

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

- - -  
HONORABLE STEPHEN V. WILSON,  
UNITED STATES DISTRICT JUDGE PRESIDING  
- - -

VERNON UNSWORTH, )  
 )  
PLAINTIFF, )  
 )  
VS. ) CASE NO.:  
 ) CV 18-8048-SVW  
ELON MUSK, )  
 )  
DEFENDANT. )  
 )  
\_\_\_\_\_ )

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

TUESDAY, DECEMBER 3, 2019

LOS ANGELES, CALIFORNIA

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1 LOS ANGELES, CALIFORNIA; TUESDAY, DEC. 3, 2019; 10:52 A.M.

2 - - -

3 (Prior proceedings not requested, not transcribed.)

4 THE COURT: And so with that, I'm going to invite  
5 the plaintiff first to make an opening statement. Then the  
6 defendant has the right to make an opening statement, and  
7 then we'll begin calling the witnesses. The witnesses will  
8 be cross-examined after their direct testimony and then at  
9 the end, I'll instruct you in a more complete way. And then  
10 the lawyers will deliver their final arguments and you'll  
11 decide the case. That's the format.

12 Okay. First, we'll hear from Mr. Wood.

13 MR. WOOD: Your Honor, may we have just one second  
14 to bring in an easel?

15 THE COURT: Yes.

16 MR. WOOD: Taylor Wilson will be presenting our  
17 opening statement.

18 THE COURT: Oh, I'm sorry. Go ahead, sir.

19 MR. WILSON: Good late morning, ladies and  
20 gentlemen. I'm Taylor Wilson, one of Mr. Unsworth's  
21 attorneys. Thank you very much for being here, and thank you  
22 to His Honor for his statement of the case. It's my job to  
23 provide you with some additional context about Mr. Unsworth's  
24 claims and the key facts of this case.

25 You have before you a time line of Mr. Unsworth's

1 key events in the facts of this case, and I'm going to  
2 provide you some additional factual background as well as  
3 some of the key documentary evidence and, uh, testimony which  
4 you'll hear in this case including from Mr. Unsworth, from  
5 the defendant, Mr. Elon Musk, from Mr. Musk's employee  
6 Mr. Jared Birchall and from plaintiff's expert Dr. Bernard  
7 Jansen.

8 On June 23rd, 2018, 12 boys and their soccer coach  
9 entered into the Tham Luang cave system in Chiang Rai,  
10 Thailand. When they were in the cave, a massive rain storm  
11 hit the area and all 13 became stranded in the cave. When  
12 they did not return home, a search effort ensued. In the  
13 early morning hours of the following day, June 24th  
14 Mr. Unsworth received a phone call asking for his assistance  
15 in that cave rescue.

16 Mr. Unsworth's from England, but he spent the last  
17 six years since 2012 mapping and exploring the Tham Luang  
18 cave system after having begun visiting Thailand and his  
19 significant other Tik since 2011. At the start of that cave  
20 rescue on June 24th, 25th and 26th, Mr. Unsworth spent  
21 significant time trekking in and out of that cave trying to  
22 stem the flood waters that were trapping the 13 that had  
23 become stranded deep inside the cave.

24 When he realized the conditions were just too much,  
25 he suggested to the Thai government that they contact certain

1 world expert cave divers from the U.K. on the British Cave  
2 Rescue Council to assist in the rescue. The boys were  
3 eventually found by those world class cave divers on  
4 July 2nd, 2018, ten days after they had gone missing. Until  
5 they were located, nobody knew where they were in that cave  
6 or if they were still alive.

7 Through the collective efforts of the Thailand  
8 government and volunteers from around the globe, civilian and  
9 government, all 13 that were stranded in that cave were  
10 eventually saved on July 8th, 9th and 10th, 2018. For his  
11 part, Mr. Unsworth was present at the rescue, uh, and  
12 assisting in the rescue in any way he could for the duration  
13 of rescue, 17 days of that rescue effort.

14 Meanwhile by contrast on July 4th, Mr. Musk  
15 responded to a Twitter inquiry asking if he could help in the  
16 rescue. He put together a team of his engineers at his  
17 company SpaceX, and I believe some assistance from the Boring  
18 Company as well, to build a small underwater rescue vehicle  
19 that he termed a submarine or a mini submarine. The purpose  
20 of the submarine was to place one child in at a time and have  
21 the cave divers swim them out of that cave.

22 While Mr. Musk and his engineers were building that  
23 tube, the actual rescue was already underway. Mr. Musk  
24 arrived in Thailand on the night of July 9th. He personally  
25 accompanied his submarine to Thailand. Mr. Musk personally

1 entered the cave. He did not bring the submarine with him to  
2 the cave that night. By the time he had arrived, eight out  
3 of the 13 that were stranded had already been saved.

4 The following day on July 10th, the last four boys  
5 and their soccer coach were successfully rescued by this cave  
6 diving team lead by Mr. Rick Stanton who you will hear from  
7 as well. Three days later on July 13th, after a -- what was  
8 a worldwide celebrated event in this cave rescue, CNN  
9 requested and Mr. Unsworth agreed to participate in an  
10 interview regarding the cave rescue.

11 Unbeknownst to Mr. Unsworth, the CNN interviewer  
12 asked him, what did you think of Mr. Musk's submarine?  
13 Having spent 17 days in that rescue and having been  
14 rightfully proud of the collective efforts of everybody that  
15 was involved in that rescue, Mr. Unsworth responded first  
16 with an idiomatic phrase. "He can stick his submarine where  
17 it hurts."

18 Before continuing, "It had just absolutely no  
19 chance of working. He had no conception of what the cave  
20 passage was like. The submarine, I believe, was about 5-foot  
21 6-long rigid so it wouldn't have gone around corners, around  
22 any obstacles. It wouldn't have made the first 50 meters  
23 into the cave from the dive start point. Just a PR stunt."

24 Mr. Unsworth's comments drew the attention and the  
25 ire of Mr. Musk, and when Mr. Musk elected to go to social

1 media on Twitter, one of the world's most accessible online  
2 platforms just two days later on July 15th, Mr. Musk is going  
3 to testify that after he saw Mr. Unsworth's interview, he  
4 spent approximately an hour Googling Chiang Rai, Thailand.  
5 Found out it was renowned for sex trafficking and  
6 Mr. Unsworth.

7 And armed with that knowledge, Mr. Musk tweeted to  
8 his Twitter following of more than 22 million people, three  
9 successive tweets. The first tweet, "Never saw this British  
10 expat guy who lives in Thailand (sus) at any point when we  
11 were in the caves. Only people in sight were the Thai  
12 Navy/Army guys who were great. Thai Navy SEALs escorted us  
13 in. Total opps of wanting us to leave."

14 Second tweet, "Water level was actually very low  
15 and still (not flowing). You could have literally swum to  
16 Cave 5 with no gear which is odd how the kids got in. If not  
17 true, then I challenge this dude to show final rescue video.  
18 Huge credit to pump and generator team unsung heros here."

19 It's in that context the third tweet followed.  
20 "You know what? Don't bother showing the video. We'll make  
21 one of the mini subs/pod going all the way to Cave 5 no  
22 problem. Sorry pedo guy, you really did ask for it."

23 On that same day July 15th, another Twitter user by  
24 the name of Kevin Beaumont replied to Mr. Musk's three tweets  
25 referring to Mr. Unsworth as a pedo guy. Mr. Beaumont



1       stated, "Here's Elon Musk calling a New York Times journalist  
2       a pedophile." Before he quickly corrected himself and  
3       followed up with another tweet. "Oh, sorry. He's calling  
4       the guy who found the children a pedo. Real classy  
5       @elonmusk."

6               If there was any doubt at that moment what  
7       Mr. Musk's statements were regarding Mr. Unsworth, in  
8       response to Mr. Beaumont's statement that he had referred to  
9       him as a pedophile and pedo, Mr. Musk responded on Twitter,  
10      "Bet ya a signed dollar it is true." Worldwide coverage  
11      ensued on the 15th, the 16th and the 17th and since. And  
12      you'll heard from Dr. Bernard Jansen on that topic.

13             Late on the evening of July 17th, Mr. Musk tweeted  
14      again. This time two tweets. "As this well-written article  
15      suggests, my words were spoken in anger after Mr. Unsworth  
16      said several untruths and suggested I engage in a sexual act  
17      with the mini sub which has been built as an act of kindness  
18      and according to specifications from the dive team leader.

19             Second tweet: "Nonetheless, his actions against me  
20      do not justify my actions against him and for that, I  
21      apologize to Mr. Unsworth and the companies I represent as  
22      leader. The fault is mine and mine alone."

23             The very article that Mr. Musk started that tweet  
24      with is an article on a site called Quora. That well-written  
25      article too referred to his July 15th tweets as being a

1 statement that Mr. Unsworth was a pedophile. Nowhere in  
2 those July 17th tweets did Mr. Unsworth say I did not mean  
3 that he was a pedophile. To the extent you took it that way,  
4 it's false.

5 He did not retract his worldwide accusation on  
6 Twitter to more than 22 million people and the world that  
7 Mr. Unsworth was a pedophile. And it didn't end there.  
8 Following Mr. Musk's July 17th, 2018 tweets, on August 15th  
9 Mr. Musk through his family office Excession, LLC retained a  
10 private investigator to investigate the life of Mr. Unsworth  
11 and the truth of his statements that Mr. Unsworth was  
12 pedophile.

13 That investigation was run by his family office  
14 manager and employee Jared Birchall. Jared Birchall ran that  
15 investigation using an alias James Brickhouse. He'll testify  
16 that the purpose of that was to distance himself and Mr. Musk  
17 from that investigation.

18 About two weeks later on August 28th, Mr. Birchall  
19 with Mr. Musk's knowledge and consent instructed that  
20 investigator, Mr. James Howard to leak negative and damaging  
21 information about Mr. Unsworth in his home country to the  
22 U.K. press. He subsequently instructed him to do the same in  
23 the Australian press.

24 That same day just minutes apart from that  
25 instruction, another Twitter user referring back to

1 Mr. Musk's July 15th tweets, tweeted to Mr. Musk as follows:  
2 "One other thing, Elon. Your dedication to facts and truth  
3 would have been wonderful if applied to that time you called  
4 someone a pedo."

5 Given another opportunity, July 15th bet you a  
6 signed dollar it's true. July 17th, no retraction. And  
7 August 28th again on Twitter in response to someone stating  
8 he had called Mr. Unsworth a pedo, Mr. Musk responded again  
9 via Twitter, "You don't think it's strange he hasn't sued me?  
10 He was offered free legal services and you call yourself  
11 @yoda." @yoda was the Twitter handle of the reporter that  
12 had tweeted, uh, the previous statement on Twitter.

13 Just two days later after tweeting to the world  
14 don't you think it's strange he hasn't sued me for his  
15 accusation that Mr. Unsworth was a pedo, Mr. Musk emailed a  
16 reporter at Buzz Feed, Mr. Ryan Mac. I'm not going to  
17 restate the entirety of that email to you right now. You'll  
18 see it.

19 I'm not going to use the language that Mr. Musk  
20 used in that email. You'll see it. It's not my language.  
21 Mr. Musk finishes his email to Ryan Mac and he says, I F'ing  
22 hope he sues me. Mr. Unsworth did the only thing he could.  
23 On September 17th, 2018, Mr. Unsworth brought this lawsuit  
24 against the defendant Elon Musk for accusing him of being a  
25 pedophile in the midst of what should have been one of the

1 proudest moments of his life.

2 It wasn't for more than a year after Mr. Musk's  
3 July 15, 2018 tweets that for the first time, Mr. Musk  
4 declared in his deposition that despite what you've heard so  
5 far, despite his July 15 the three tweets, the response, bet  
6 you a signed dollar it's true, despite the statement on  
7 Twitter on August 28, pedo guy didn't mean pedophile at all.  
8 It just meant that Mr. Unsworth was a creepy old guy. These  
9 are Mr. Musk's words. Pedo guy somehow meant creepy old guy.

10 You'll hear from Mr. Unsworth about what it meant  
11 him to be called a pedophile by a man of Mr. Musk's stature  
12 on Twitter to the world. You'll hear about the shame  
13 mortification and the worry and the distress that he suffered  
14 as a result of being branded a pedophile. And you'll hear  
15 from his wife Vanessa Unsworth who will share with you a  
16 little bit about Mr. Unsworth and herself and his background.  
17 Thank you, ladies and gentlemen.

18 THE COURT: The defendant has the opportunity now  
19 if they wish to make their opening statement.

20 MR. SPIRO: Thank you, Your Honor.

21 This case is about an argument between two men. An  
22 argument punctuated by insults. Insults understood as  
23 insults not literal statements of fact. Plaintiff is taking  
24 one of those insults, he's putting it under this spotlight,  
25 he's changing one of the words, he's coming into this

1 courtroom and he's saying he's been horribly damaged and he  
2 deserves lots of money. He doesn't.

3 On the 4th of July last year, someone reached out  
4 to Elon Musk on Twitter. Elon Musk is the leader of SpaceX  
5 and Tesla. He's the father of five boys, twins and triplets.  
6 And the Twitter user said those kids in Thailand, they've  
7 been found by divers. They're trapped in the cave. Please  
8 help. And Elon Musk said I'm sure the Thai government has  
9 this, but the problem did not go away.

10 In fact Elon Musk soon learned that a monsoon was  
11 coming. It could make diving those boys out impossible. And  
12 while divers were trying to save the boys on the 6th of July,  
13 a Thai Navy SEAL lost their life. That life and death hung  
14 in the balance in that cave and an engineering solution may  
15 be needed. So Elon Musk assembled a team of engineers.  
16 Dozens of dedicated people from Mr. Musk's companies they  
17 came together.

18 Armor Harris, one of those engineers, will tell you  
19 Mr. Musk said stop working on everything. Chris Bowman,  
20 another engineer, will say that Mr. Musk said, and you will  
21 see the email, get there now. Those kids could die. The  
22 team of engineers got an old French survey of the cave. They  
23 got briefings on the internal dimensions from people on the  
24 ground. They interviewed divers on the conditions in the  
25 cave. They liaised with Thai officials.

1           They spent sleepless nights frantically trying to  
2       help. They were talking about pumping the water out with big  
3       power walls, scanning, and then trying to drill into the  
4       cave. And eventually they settled on this idea to build a  
5       mini sub, a pod, a rescue pod. The rescue pod would have  
6       life support. It could transport a kid out of the flooded  
7       cave no matter how high that water got.

8           And during those steps and those days as they  
9       worked around the clock, over and over, Elon Musk checked in  
10      with the dive rescue leader Rick Stanton. You will see their  
11      emails going back and forth. Don't worry if you don't need  
12      us is what Mr. Musk's words are.

13          If you don't want us to bring the mini sub, no  
14      problem. Mr. Stanton gave them direction. How big the pod  
15      should be. How rigid the pod needed to be. And he said to  
16      Mr. Musk, there's a little lad in that cave and he may need  
17      it. Armor Harris will come here and tell you that there's a  
18      lot to be worried about, and you'll see emails.

19          They were worried if you're trying to rescue a kid  
20      and dive them through water, they could get caught on a  
21      jagged rock. That one of the boys could panic being put  
22      under water. That little lad who they called Mark, he might  
23      not be able to make it. What if he didn't react well to the  
24      dive rescue? They drugged the kids, they put them under  
25      water. And what if a rescue pod was safest?

1           Fortunately, the divers soon began an unprecedented  
2           and heroic effort to dive those kids out. The pod arrives.  
3           The most vulnerable of the kids are still inside the cave.  
4           And even then, you will hear that they were still trying to  
5           find face masks that they could put on those boys' faces  
6           because they had become so thin, so malnourished. Worry  
7           still gripped the world.

8           They lead Mr. Musk and Armor Harris and the team  
9           inside the cave. They went all the way to Chamber 3 which is  
10          where you'll hear the dive started from. They examined the  
11          conditions, and given the water levels and success of the  
12          mission to date, the plan remained the same. Dive the kids  
13          out and the divers did just that. All 12 of the boys, even  
14          that smallest one, were all rescued successfully.

15          Thank God the pod was never ultimately needed. So  
16          the equipment was left there, power walls, the pumps, the  
17          pods. The engineers they returned to the United States. Not  
18          one member of that engineering team, including Mr. Musk, sat  
19          for any interviews. None of them received a penny for their  
20          efforts. None of them took any credit.

21          Mr. Musk said on Twitter, and you'll see these  
22          messages, we haven't down anything useful. It was all those  
23          other people. Great news that they made it out safely.  
24          Congrats to the rescue team. And the engineers and Mr. Musk  
25          figured this was all finished.

1           And so on the afternoon of July the 13th, Elon Musk  
2           was gone, the children began to recover, the country mourned  
3           the death of a diver, and the divers who risked their lives  
4           were resting. And a man named Vernon Unsworth appeared on  
5           CNN, the biggest name in news.

6           Alone in the interview, he looked right in the  
7           camera and he said, he can stick his submarine where it  
8           hurts. It just had no chance of working. He had no  
9           conception of the cave passage. And he continues in his  
10          attack on the efforts. Then he says, it's just a PR stunt.  
11          Then he ends with that sentence in green. And he was asked  
12          to leave very quickly and so he should have been.

13          He will tell you that when he said that he can  
14          stick the sub where it hurts, that it was an expression.  
15          Something they say where he comes from. It's a  
16          colloquialism. It was said flippantly. He said the rescue  
17          pod wouldn't work. He's not a driver. He's not an engineer,  
18          didn't investigate. It's just his opinion. And he will tell  
19          you that he said that Elon Musk was asked to leave the cave.

20          He will tell you that someone at some point said  
21          something that lead him to believe that, but he can't put his  
22          finger on it. And Elon Musk and Armor Harris and everyone  
23          else will you tell that was a lie. And Unsworth will end by  
24          saying that the whole thing was a PR stunt. And he will  
25          double-down before you this week. He will tell you it was



1 nothing but a distraction and a death trap and they cared  
2 more about publicity than the lives of those children.

3 He talked about headlines. Well, after that  
4 interview, headlines started coming out attacking Mr. Musk.  
5 Unsworth will tell you that he knew his interview and these  
6 stories were being disseminated. He will tell you he doesn't  
7 know how many outlets picked it up. He doesn't know how many  
8 people saw it. It went worldwide.

9 And as it's spreading worldwide, Elon Musk sees  
10 this attack, sees this lie and he goes to defend himself and  
11 his team. He will tell you when he saw this attack, it did  
12 anger and hurt him. The most hurtful part, not that the pod  
13 wouldn't work. I mean, that hurt because everything they  
14 were told to do, all the hard work of his team, but the real  
15 hurtful part was attacking the genuineness of their efforts.  
16 He wasn't sincere in these efforts to save those boys in that  
17 cave.

18 It was an attack not just on him, but on all of the  
19 people who worked with him. This can't go unanswered. And  
20 who is this guy any way? You'll see the emails. He was not  
21 on the dive rescue team. He didn't risk his life. So Elon  
22 Musk Googles Chiang Rai. What's with this guy? Looks like  
23 some creepy guy trying to put himself on TV and boost himself  
24 up by claiming credit and lying about me, insulting my team.

25 Elon Musk had just been to the area. He saw that

1 it was a remote area of Thailand. He saw that there were  
2 seedy activities. This guy is talking about shoving this  
3 tube up my butt and so he responds and he throws some insults  
4 in. Never saw this guy, this British expat guy who lives in  
5 Thailand (sus). We were escorted in. Total opposite of  
6 wanting us to leave.

7 You know, he challenges the factual assertions.  
8 You want us to go in there? No problemo at all. Sorry, pedo  
9 guy. You really did ask for it. Sorry, you really did ask  
10 for it bleepity, bleep. Sorry, you really did ask for it  
11 fill in the blank with any insult. Listen the term might not  
12 be one that you would use, but he will tell you where he grew  
13 up, this is something that the kids said.

14 And at the very beginning of the tweet, he says  
15 never saw this guy. Forget knowing the guy. Never saw this  
16 guy. And at the end he says the same thing. Bet you a  
17 signed dollar it's true. He will tell you he accused  
18 Unsworth of nothing. These tweets are not allegations of  
19 crimes. They are joking, taunting tweets in a fight between  
20 men.

21 And you will notice that Elon Musk will testify  
22 that it was Unsworth who went on CNN. He responded in a  
23 tweet. Elon Musk will tell you that the guy was on TV and  
24 video's more powerful. I answered with a tweet. He will  
25 tell you Unsworth went first. I just responded with a tweet.

1 He will tell you Unsworth lied. He will tell you that the  
2 end, that this violent attack, this thing with the sub, but  
3 the PR stunt was the most hurtful.

4 And you will see when you look at this, what's up  
5 on your screen, that each statement it's responsive. You can  
6 tell it's responsive. He can stick the submarine where it  
7 hurts. Never saw this British expat guy who lives in  
8 Thailand. Okay? The blue they're debating whether Unsworth  
9 is right.

10 MR. WOOD: Excuse me, Your Honor. I think counsel  
11 may be arguing a bit here.

12 THE COURT: I think you're starting to get into  
13 things that you can save for final argument.

14 MR. SPIRO: I will, Your Honor.

15 And then the words that Mr. Musk adds in yellow  
16 only people in sight were the Thai Navy guys who were great.  
17 Huge credit to pump and generator team, unsung heros here.  
18 Just a PR stunt. Sorry, pedo guy. You really did ask for  
19 it. Mr. Musk moves on. Goes to sleep. He'll testify  
20 Unsworth attacked him, he responded, figured this was over.

21 And Mr. Musk learns that the media was writing  
22 stories about this. And he will tell you something that  
23 plaintiff did not tell you which was he immediately deleted  
24 those tweets. Immediately. He apologized. And he will tell  
25 you it was a joking, deleted, apologized for, responsive

1 tweet, a JDAR. A joking, deleted, apologized for, responsive  
2 tweet. And he again figured this was over. Not for  
3 Unsworth.

4 He went on TV following this. He was at an event  
5 celebrating the cave and he said this isn't finished. The  
6 person asks him would you consider taking legal action? Yes.  
7 And as you might expect, headlines start coming out. Elon  
8 Musk is being sued. And as that news is disseminating  
9 through the end of July, you will hear that Mr. Unsworth was  
10 honored at 10 Downing Street. He was with the prime minister  
11 of Britain celebrating the rescue, celebrating the success,  
12 photographed. Great end to a great rescue to a great July.  
13 End. And that's what this case is about.

14 So after Mr. Unsworth said this isn't finished, you  
15 will hear that he started hearing from lawyers. Mr. Musk is  
16 a billionaire. And he will tell you that he picked lawyers  
17 and that he was getting to have a lawsuit, a fight. And you  
18 will see emails, and he will tell you that he started to try  
19 to get this information from the cavers, from the divers,  
20 from wherever he could get it, information that would hurt  
21 Elon Musk's position.

22 And Elon Musk's office and Mr. Birchall and others  
23 will tell you that they knew that a lawsuit was eminent at  
24 that point. You'll see emails where they write eminent. And  
25 they heard from a private investigator who said he had

1 information on Unsworth and so somebody said let's reach out.  
2 Elon Musk will tell you he believes he's gonna be shaken  
3 down, be sued about a JDAR. He thinks it's silly, thinks  
4 it's unfair and he asks for information. Truth is a defense.  
5 Let's hear what he has to say.

6 The investigator's information gets handed from the  
7 chief of staff to somebody in his family office named Jared  
8 Birchall. Jared Birchall makes a phone call. Jared Birchall  
9 works in finance. He's never been in an investigation  
10 before, doesn't know what he's doing, and he ends up hiring  
11 this guy. He tells him right out of the gate, listen, we  
12 don't want any -- we don't want to frame anybody, but tell me  
13 what you have and he does tell him.

14 You can give the facts to the media. You learn  
15 facts you can give them to the media. And over that  
16 investigation where Mr. Musk is getting small updates, he  
17 becomes aware that Mr. Unsworth may be up to no good in  
18 Thailand. There may be something here.

19 So at this point Mr. Musk has received formal legal  
20 notice that he is going to be sued. The plaintiff's lawyer  
21 tweeted a demand letter to the whole world saying you're  
22 going to be sued. When someone on Twitter pokes fun at him  
23 and Mr. Musk says don't you think it's strange he hasn't sued  
24 me? At that point in time, at this whole point in time --

25 MR. WOOD: Your Honor, I thought we had a

1 restriction.

2 THE COURT: Remain where you are. You can describe  
3 the chronology by words.

4 MR. SPIRO: It's up on my screen now.

5 When Mr. Musk tweets don't you think it's strange  
6 he hasn't sued me? He was offered free legal services.  
7 Mr. Musk will tell you when he said he was offered free legal  
8 services, he knew that a lawsuit was coming. That's why he  
9 tweeted that. And Mr. Musk will tell you that the reason he  
10 tweeted that is because he thought this was a silly thing to  
11 bring a lawsuit over.

12 And he will tell you at the point in time in which  
13 he says that on Twitter, he had been told there's bad  
14 information about Mr. Unsworth and so he's taunting back.  
15 And then in an off-the-record email to a reporter, he tells  
16 the reporter stop looking at this JDAR. Stop talking to me  
17 about this tweet. If you want to do an investigation,  
18 investigate this.

19 As expected by Mr. Musk and his office, as they  
20 predicted in September of last year, Mr. Unsworth did file a  
21 lawsuit. The legal case before you pursues a lawsuit just  
22 about that tweet pedo guy. In that lawsuit Mr. Unsworth  
23 alleges he's been damaged, and he will come into this  
24 courtroom and raise his right hand and tell you that.

25 He will tell you as he has under oath that he feels

1 shame and mortification and social isolation. He will tell  
2 you that this stays with him every single day of his life.  
3 He says that this pedo guy tweet is like a giant P attached  
4 to his back that grows brighter and brighter. That he was  
5 given a life long sentence with no possibility of parole.

6 And he will be asked to explain how's the world  
7 reacting to you? And he will tell you that they want me so  
8 bad they have to pay me to get me in documentaries. That my  
9 companion Tik had to build out my social media profile. A  
10 talent agent started representing. Warner Brothers,  
11 Universal, Netflix, CAA, he'll tell you about all of it. He  
12 was included in the GQ's Men of the Year story. He will tell  
13 and you'll see emails where he's signing autographs and they  
14 have limit photographers' access to him.

15 You'll see an email where he says I'm the key to  
16 the whole rescue, the whole story, me Vernon Unsworth. He's  
17 the big piece he writes. He's the key. In other words, he  
18 will tell you that there's no evidence that this damaged his  
19 reputation. No messages to other people about emotional  
20 distress. No texting horrible concern to friends. No  
21 psychologist, no medication, no anything.

22 He'll tell you instead that in this gap on  
23 plaintiff's chart, he was on a tour of congrats. The Queen  
24 of England bestowed Mr. Unsworth with a member of the Most  
25 Excellent Order of the British Empire. The King of Thailand

1 honored him with the royal Thai insignia King Commander. The  
2 British Royal Humane Society gave him the Certificate of  
3 Commendation and the British Chamber of Commerce awarded him  
4 the Social Impact Award.

5 There's a little bit more to this story than a  
6 Twitter insult and things better left unsaid and you'll hear  
7 it.

8 THE COURT: Okay. That completes the opening  
9 statement. It's kind of timely because I think without my  
10 glasses, it's five after 12:00. Let's see. I still can see.  
11 That's good. Let's recess for lunch. I'll give you an extra  
12 five minutes. 1:10. I'm all heart, and then we'll come back  
13 at 1:10 and we'll get into the testimony.

14 An admonition don't talk to each other about the  
15 case until you have case for decision. By all means don't  
16 make any effort to access, you know, the Internet. I know  
17 people do that quite a bit. Don't do that. And don't read  
18 or listen, if there is anything about this case, there may  
19 be, avoid it because we want your view of this case, no one  
20 else's.

21 And there may be some media people here. Don't  
22 talk to them. When the case is over, you can write a book if  
23 you want. Don't talk to them. I want you to listen to the  
24 evidence and make the call based upon what you hear.

25 All right.



1 THE CLERK: This court's in recess.

2 (Lunch Recess.)

3 THE COURT: Plaintiff may call its first witness.

4 MR. WOOD: Your Honor, plaintiff calls as its first  
5 witness Elon Musk upon cross-examination of the opposite  
6 party.

7 THE CLERK: Can the witness please step forward?

8 Come over here. Thank you.

9 Raise your right hand.

10 (Witness sworn.)

11 THE CLERK: Thank you. You may be seated.

12 And please state your full name, and spell your  
13 full name for the record.

14 THE WITNESS: Elon Reeve Musk, E-l-o-n R-e-e-v-e  
15 M-u-s-k.

16 THE COURT REPORTER: You can adjust that.

17 MR. WOOD: May I proceed, Your Honor?

18 THE COURT: Yes.

19 CROSS-EXAMINATION

20 BY MR. WOOD:

21 Q. Mr. Musk, good afternoon. We met before. I'm Lin Wood.  
22 I'm one of the lawyers for Mr. Unsworth. Do you recall  
23 meeting me in August of 2019 in your deposition? I believe  
24 it was the 22nd of August?

25 A. Yes.

1 Q. Is your primary residence in Los Angeles?

2 A. It is.

3 Q. And about how many miles from the courthouse  
4 approximately is it from your residence to the courthouse?

5 MR. SPIRO: Objection, relevance.

6 THE COURT: It's a preliminary question. We'll see  
7 where it goes. He can answer.

8 MR. WOOD: Thank you.

9 THE WITNESS: I think it's about 15 miles?  
10 20 miles? Something like that.

11 BY MR. WOOD:

12 Q. 15, 20 miles.

13 A. Yeah.

14 Q. Thank you. Prior to July of 2018, you knew, did you  
15 not, Mr. Musk, that your Twitter account at Elon Musk was  
16 publicly registered with the United States Securities and  
17 Exchange Commission, the SEC, as a source for information to  
18 the public and to potential investors. True?

19 MR. SPIRO: Objection.

20 THE COURT: I don't see the relevance of that  
21 question. I mean, what's the point? I mean, you could ask  
22 another question. Maybe it'll become clearer to me.

23 BY MR. WOOD:

24 Q. Prior to July of 2018, you knew that your Twitter  
25 account was, in fact, used in part to convey factual

1 information.

2 A. In part to -- to convey factual information, yes.

3 Q. I believe you told me you recognized that Twitter is  
4 a -- essentially a place where online, social media, people  
5 can engage in conversations.

6 A. Yes. Conversations about -- yes.

7 Q. They can talk about facts?

8 A. Uh, they can assert facts, uh, fiction and anything that  
9 comes to mind.

10 Q. Right. You told me, I believe, that it was a place  
11 where you could -- in conversations, people could convey  
12 facts, state opinions or even insult people; right?

13 A. I mean, Twitter is a free-for-all where there's all  
14 sorts of things, you know, that sort of aren't true, untrue,  
15 half true, uh, where people engage in sort of verbal combat  
16 effectively, uh . . . yeah. I mean, there's everything on  
17 Twitter.

18 Q. All the things that I've said you've acknowledged;  
19 facts, opinions, insults, combat. It's -- you gotta look at  
20 what's bein' said and the context it's being said in to  
21 figure out what's what.

22 MR. SPIRO: Objection to form.

23 THE WITNESS: Yeah. It's like a virtual sort of  
24 town meeting or public meeting place effectively.

25 BY MR. WOOD:

1 Q. And in July specifically, Mr. Musk, let's -- let's pick  
2 a date. July, the 1st, 2018.

3 A. Okay.

4 Q. You knew at that time that you were recognized at least  
5 by a large number of people as one of the wealthiest men in  
6 the world. Didn't you?

7 A. I mean, sure.

8 Q. I'm sorry?

9 A. I mean, I -- this is not something I pay attention to,  
10 but some number of people report these numbers, I suppose,  
11 yes, but I -- but I don't know how widespread it is.

12 Q. Well, let's -- let's take something maybe away from the  
13 dollar figure. You knew on July, the 1st, 2018 that you were  
14 considered by many to be one of the most influential people in  
15 the world. Didn't you?

16 A. I think that there's some number of people that consider  
17 me influential, some that consider me -- just judge, value my  
18 opinion. There's wide range.

19 Q. Well, Time and some other publications recognized you as  
20 one of the most influential people in the world. You know  
21 that.

22 A. Yes.

23 Q. And that just wasn't true on July 1st. You had held  
24 that status for a number of years in terms of your influence.

25 A. You know, I'm -- I'm not sure to the reach to which I'm

1 actually influential. And I have -- I've tried very hard to  
2 convince people to take climate change seriously, and I have  
3 not been successful so I'm not sure how -- how effective this  
4 influence really is.

5 Q. Well, whether it's effective or not, you know that you  
6 have a major influence in the world, certainly the United  
7 States and beyond, I think, on whether we're gonna move our  
8 cars from fossil fuel to electric. True?

9 A. No, that is not true. I -- I tried my very best to  
10 convince the U.S. government to take climate change  
11 seriously. I even joined the presidential council. And then  
12 despite every effort, the United States government renounced  
13 the passport, and I resigned from the council. I would say  
14 that my influence with the government is very weak.

15 Q. I may have -- I apologize, I may have misstated it. I  
16 didn't mean to influence to government. I'll even try to  
17 make it a little more narrow. You knew that you were highly  
18 influential amongst the community of people interested in  
19 climate change moving from fossil fuel to electric vehicles.  
20 True?

21 A. Among those people of climate change, I -- I think I  
22 have an influence with regard to climate change.

23 Q. And you also have a tremendous influence around the  
24 world because you are recognized as the pioneer that wants to  
25 take population of birth in whole and in part to Mars. True?

1 A. I don't know how many people are aware of that. I think  
2 probably not that many, frankly, but I do believe we should  
3 the set of actions most likely to make the future good.

4 Q. And because of your feelings and your convictions and  
5 you're willing to finance it, and your engineering  
6 creativity, you would be recognized as highly influential  
7 among the members of our world that are interested in space  
8 travel. True?

9 A. Uh, yes. I mean, these are -- these are domains --  
10 yeah, I'm influential in the domains of climate change and  
11 rockets, but this does not mean that I can change somebody's  
12 opinion about something else just because they value my  
13 opinion on rockets or electric cars.

14 Q. And I -- I didn't mean to suggest they have to agree  
15 with you.

16 A. Yeah.

17 Q. You can influence them. They may say yes, and they may  
18 say no in terms of whether they agree with you or not, but  
19 you have influence in those areas, don't you, sir?

20 MR. SPIRO: Objection to form. Objection to form.

21 THE COURT: I'll overrule the objection.

22 He can answer.

23 BY MR. WOOD:

24 Q. However you're defining your influence, if -- you have a  
25 large number of public relation professionals that work for

1     you or for Tesla or for SpaceX. Right?

2     A. No, that's actually not true. I have no publicist. I  
3     have no PR -- I have no PR team personally whatsoever.

4     Q. Dave Arnold has never worked with you in Tesla?

5             THE COURT REPORTER: I'm sorry. Who, Counsel?

6             MR. WOOD: Dave Arnold.

7             THE WITNESS: Dave Arnold used to work at Tesla.

8     BY MR. WOOD:

9     Q. In what capacity?

10    A. He was in public relations.

11    Q. And he wasn't the only one. There were others.

12    A. Yeah, we -- we really don't have much of a public  
13    relations team at -- at Tesla.

14    Q. Well, just for the moment if you can stay with me assume  
15    you only have one. If you wanted your public relations  
16    person to schedule a press conference so that you could make  
17    some announcement, you could get it done. The media would  
18    show up, wouldn't they?

19    A. If it was related to a Tesla product or a SpaceX  
20    product, sure.

21    Q. Yeah. You could command the audience of a -- of a  
22    national or international press conference by one of those  
23    subject matters by simply asking whoever worked for you to  
24    set it up. True?

25    A. It -- it depends on the nature of the subject, but

1 certainly if it's a prime announcement from Tesla or SpaceX,  
2 then those that are interested in electric cars or the  
3 rockets will attend.

4 Q. So that you know, do you not, Mr. Musk, that when you  
5 speak publicly or when you, Elon Musk, write something for  
6 the public to consume, you have to choose your words  
7 carefully because you know that your words have influence  
8 over at least a significant number of people. True?

9 A. I would -- I would say that there are a lot of things  
10 that I -- that I say, um, and some of -- you know, not -- not  
11 all of them have the same quality of thought as -- you know,  
12 I would be forced to say very little at all if -- if I just  
13 said essentially what I said constantly. So I would say  
14 yeah, at times, I am actually sort of quite verbose. Some of  
15 it is, uh, more thoughtful in sentiment than others. Not  
16 everything can be completely thoughtful.

17 MR. WOOD: Would you put up Exhibit 102, please?

18 Q. Are you familiar with -- and you have that on your  
19 screen in front of you, Mr. Musk?

20 A. Um, yes.

21 Q. Are you familiar with that document?

22 A. Uh, I . . . I can remember -- I remember this email,  
23 yeah.

24 Q. So if you'll follow along with me. On July, the 3rd of  
25 2018, a person from Mabz Magazine, and I assume that's some



1 magazine. Are you familiar with that magazine?

2 A. I am not.

3 Q. Somebody -- looks like there was a tweet. And you sent  
4 that to Steve Davis or he sent it to you.

5 A. Uh --

6 Q. Well, actually, you sent it to Mr. Davis. Elon Musk and  
7 your email is blacked out.

8 A. Okay.

9 Q. And then Mr. Steve Davis at SpaceX wrote you in return.  
10 I wish I had a great idea but had --

11 THE COURT REPORTER: I'm sorry, Counsel. I can't  
12 hear you.

13 MR. WOOD: I apologize.

14 Q. And Mr. Musk, let me say this to you. I know there was  
15 a time in your work life that you were working hundred hours  
16 a week or so. It was exhausting, was it not?

17 A. Yeah.

18 Q. And I feel -- I feel your pain, and I apologize to you  
19 now. I may cough and have to take a moment's break, and my  
20 voice is very weak, uh, cause I'm a little tired. So I  
21 appreciate that, and I hope you will understand. And I  
22 apologize in advance to you if my voice breaks or I start  
23 coughing.

24 The -- the question I was gonna ask you is that  
25 somebody -- maybe just run through the scenario with me while

1 looking at the exhibit. Someone tweeted to you hi, sir. If  
2 possible, can you can assist in any way to get the 12  
3 Thailand boys and their coach out of the cave? And they had  
4 your Twitter handle @elonmusk. You see that?

5 A. Uh, yes. There were a lot of people that asked if I  
6 could be any way helpful to the 12 boys that were trapped in  
7 the cave. It was one of many, many tweets.

8 Q. You generally -- you generally knew at that time . . .  
9 that I believe on the 23rd of June that 12 boys, soccer team  
10 players, in Thailand and their coach -- the name of the team  
11 is the Wild Boars. Does that sound right?

12 A. Yes.

13 Q. You knew from general knowledge of the news, you knew  
14 that those boys had been discovered lost in the Tham Luang  
15 cave in Thailand, didn't you?

16 A. Um, yes. This was, uh, all over the news, all over  
17 Twitter, and as I said, um, there were -- I think there were  
18 dozens of people who asked me to try to help -- uh, help the  
19 kids.

20 Q. As of July the 3rd and 4th, that appears to be from the  
21 exhibit in front of you the person who had tweeted got your  
22 attention. You sent to Steve Davis to basically say is there  
23 anything we can do? You were looking to try to help, weren't  
24 you?

25 A. Um, yes. That was true, yes.

1 Q. And he writes you and says, you know, pump out as much  
2 water as we can and train the kids to dive. We would  
3 eventually mine and rock the opposed soft soil. We'll see if  
4 we create something that would be useful in these scenarios.  
5 Have I read that correctly?

6 A. Yeah. Yeah, that's -- that was Steve's opinion.

7 Q. And then you wrote back -- even though it's blacked out  
8 and redacted, you wrote Steve Davis back and said that's what  
9 I figured; right?

10 A. Yeah. Um, the -- the pumps were -- were critical to any  
11 solution, essentially. Um, but, uh, yeah, yeah, I think  
12 things -- it would have a really tragic situation if the  
13 pumps, uh, had not worked in that cave.

14 Q. And I agree with you. At the time that you were asked  
15 in effect by Twitter to get your attention to see if there  
16 was somethin' you could, and you wrote Mr. Davis around July  
17 the 4th, you did not know that -- the day after the boys had  
18 been discovered missing, thought to be lost in the cave, June  
19 the 23rd, you had no idea that Vernon Unsworth had been  
20 called in to render assistance in their rescue. You did not  
21 know that, did you, sir?

22 A. No, I never heard of him.

23 Q. But you did know -- I believe you will tell me that  
24 around the time July the 4th, this exchange we have in front  
25 of us and the jury has in front of them, you knew the boys

1 had been located, at least generally located and believed to  
2 be lost in an area of the Tham Luang cave that was nicknamed  
3 Battalion Beach. You knew that they had been located but not  
4 rescued. True?

5 A. Um, I was aware that they had been located, I believe,  
6 at the time, yeah.

7 Q. And starting on the July the 4th, really on the 5th or  
8 6th to be fair -- now, let me try to be precise here. The  
9 point is starting on July the 5th or 6th, you called upon as  
10 many as 80 of your SpaceX employees and a number of employees  
11 from other potential companies that you own or operate to try  
12 to come in and come up with an idea to help save the kids;  
13 right?

14 A. Yes. Um, I -- the -- I -- I mean, at first, I actually  
15 declined to, um, assist in -- well, I thought my help would  
16 not be needed. Um, so there were like dozens, maybe hundreds  
17 of people who asked me to help out, and I said I'm sure the  
18 Thai government has this under control. This is probably  
19 gonna be okay, that they'll -- they'll take care of it.

20 And then there was that Thai Navy SEAL who died,  
21 um, and there was a monsoon coming. Um, and so clearly, if a  
22 Navy SEAL can die, that's a pretty -- pretty bad situation.  
23 Um, and looked like it was getting worse because of the  
24 monsoon that was coming, and that would flood the caves. And  
25 so if immediate action wasn't taken, uh, then the -- then the

1 boys would die.

2 Q. Right. Because by the time that you -- when it got to  
3 your attention, and you said I'm gonna try to help, the boys  
4 had already been trapped and lost since June, the 23rd,  
5 almost two weeks; right?

6 A. Uh, I was -- this simply did not get -- come to my  
7 attention until it was headline news and a major topic of  
8 discussion on Twitter. I simply was not aware of it.

9 Q. But you knew -- if you didn't know the precise number of  
10 days they had been lost, you knew that it was a race against  
11 the clock to save their lives. Didn't you.

12 A. My assumption when I first heard about this was that the  
13 Thai government would come, and the resources that were on  
14 hand would be -- would -- would -- would save the kids. Uh,  
15 it was only -- it was only when the Thai Navy SEAL died, and  
16 like I said, the monsoon was coming, then it was like okay.  
17 I really don't wanna be -- if there was something that I  
18 could do to be helpful, and I didn't take action, well, that  
19 would be on my conscious forever, and I gotta do somethin'.  
20 Gotta try.

21 Q. And when you made that decision to try to do something,  
22 as you say your conscience said you've got to do something,  
23 you knew that whether you or whether the rescue team of  
24 divers and other people on the ground, both of y'all were in  
25 the same situation. You were both racing against the clock

1 where every minute could be the difference between life or  
2 death for those boys. True?

3 A. Um, this -- this only became extremely time urgent  
4 when -- like I said when the Thai Navy SEAL died, and then  
5 there was a weather report that a monsoon was coming in which  
6 would flood the cave, that -- that's when things became  
7 extremely time urgent.

8 Q. And without going into the details, you can do that  
9 later, but for purposes of my examination, Mr. Musk, you  
10 threw yourself and your team under your direction into I  
11 won't say frenzy, but you guys and girls do what it takes,  
12 work around the clock, give up your vacations, do whatever  
13 you need to do, try to come up with something to save these  
14 kids. You did that for those kids, didn't you, Mr. Musk?

15 A. Yeah, that's -- that is what I called -- I called  
16 everyone I thought could be helpful, and they worked  
17 basically 24 hours a day. Um, and they had a lot on their  
18 plates so it was not easy. July 4th as you mentioned  
19 earlier, you know, most people aren't there, you know, sort  
20 of having vacation and stuff. But -- so call people back  
21 from vacation and say we got to try to do something. Um, it  
22 was hard to figure out what was going on. Um, there was a  
23 lot of confusion out there.

24 So, um, when we got in touch with Rick Stanton who  
25 seemed to be like the -- the lead -- lead diver or lead

1 person who knew the most about what was going on and, you  
2 know, asked him what we should do. Um, should we make a --  
3 is there anything useful we can do? And he said we should  
4 make a rigid, sub-flexible cause we originally offered to do  
5 a flexible one, a rigid -- both flexible and a rigid one, but  
6 he said the -- the one that they needed most was the rigid  
7 one, and so we made a rigid one.

8 Q. And you basically I don't mean in your mind's eye but  
9 the mind's eye of the people working for you created the idea  
10 of a mini-sub where you could put one child in it with two  
11 divers, and they could find the child, put the child in the  
12 mini-sub, close it up, and the two divers would then take the  
13 mini-sub through the passages of the cave hopefully to safety  
14 to free the kids and get 'em out of the cave; right?

15 A. That is correct.

16 Q. You had never created or anyone at SpaceX any device to  
17 serve that purpose before. This was the first time that you  
18 had put your creative efforts into building a mini-sub for  
19 one person, basically the size of a child to be used by two  
20 divers to take through the passage ways to get the kids to  
21 safety; right?

22 A. Uh, yes, this is -- I don't believe anyone has tried to  
23 do this before, but this was just -- uh, yeah, we -- we  
24 needed a rigid submersible. That's what -- Rick Stanton who  
25 is the lead diver who works with the kids, that's what he

1 said he needed, and so we tried to make a thing as best we  
2 could to what he was asking for.

3 Q. Right. And at the time you were talking to Mr. Stanton,  
4 as you say the lead, I believe you called him the lead --  
5 lead diver or that he was one of the British divers?

6 A. Yes. He seemed to be as best we could determine the  
7 lead of all of the British dive team that rescued the kids,  
8 um, and he seemed to be the person who knew what he was  
9 talking about the most, and so we were going with what he  
10 asked for.

11 Q. And at the time you were talking to Mr. Stanton, you did  
12 not have any knowledge, no idea of how or who got Rick  
13 Stanton involved to go from the U.K. to Thailand to try to  
14 save these kids. You didn't know who had been behind getting  
15 him involved, did you?

16 A. No.

17 Q. And you were able to build the mini-sub and put it on  
18 your plane, the Gulfstream, and you were able to fly it along  
19 with some of your technicians to some of -- you already sent  
20 some folks over to try to help; right?

21 A. We sent people to go to the site immediately, um, and  
22 some were there already, and some flew with me.

23 Q. And I believe that you were able to load the mini-sub  
24 that you had created on your plane and fly it to Thailand,  
25 and you rode -- you went with it, and you got there on the



1 night of July, the 9th?

2 A. Yes, I agree with you but got in at like 1:00 a.m. or  
3 something like that.

4 Q. And that was the first time that you had been to  
5 Thailand in connection with the cave rescue. True?

6 A. First time I had been to Thailand at all.

7 Q. And the Tham Luang cave system, you knew was located  
8 near Chiang Rai. True?

9 A. Yes.

10 Q. In fact, I think you flew into Chiang Rai, didn't you?

11 A. Yes, that is the airport I believe we flew into.

12 Q. At the time that you had loaded the mini-sub on your  
13 plane to take it on July, the 9th, literally y'all had pulled  
14 this off in three or four days from -- from really just an  
15 idea to putting it on the plane; right?

16 A. Yes.

17 Q. By the time that you were able to get it there, did you  
18 know that on July, the 8th that four of the boys had been  
19 successfully rescued by the British divers along with other  
20 members assisting of the rescue team, four boys and the main  
21 guy. Did you know that?

22 MR. SPIRO: Objection.

23 Assumes facts not in evidence.

24 THE COURT: He asked did you know. I mean, he can  
25 answer yes or no. That's all the question asked for.

1           THE WITNESS: Um, I knew -- I mean, there was a lot  
2 going on at the time so, uh -- and just flying time line is  
3 like a 20-hour flight or something like that so things were  
4 happening even while we were in flight. I knew that at least  
5 when we landed that some of the boys had been rescued  
6 already. Even before that, actually.

7           Cause I asked Rick Stanton are you sure that, you  
8 know, we should continue? Do you still need this? And  
9 Stanton said that the smallest kid might still need it, and  
10 so we should continue. Cause I said, you know, we don't want  
11 to waste anyone's time here so, uh, are you sure we should  
12 continue and he said yes, cause the -- he said the little lad  
13 may need the sub.

14 BY MR. WOOD:

15 Q. The little lad.

16 A. Yes.

17 Q. And so I understand you're gettin' on a plane, you're  
18 flying, and you had activity on the plane. You had a general  
19 idea that some number of the boys had been safely rescued,  
20 but I understand that as you're sit here today, you can't  
21 tell me I knew it was four on the 8th, then four on the 9th  
22 before you arrived, can you?

23 A. I'm not sure of the exact number or the exact hour of  
24 the exact day.

25 Q. So if I ask you to indulge me and accept that four boys

1 were rescued on the 8th, and another four boys were rescued  
2 by the dive team and the rescue team on the 9th before you  
3 arrived, you really don't have any knowledge to agree or  
4 disagree with me, do you?

5 MR. SPIRO: I renew my objection.

6 THE COURT: That -- that's objectionable.  
7 Objection's sustained. The answer -- the question is  
8 stricken.

9 By the way, you know, I'm allowing  
10 cross-examination because Mr. Musk is a party, adverse party  
11 so the format is a little different, but this goes for all  
12 lawyers, and I forget to tell you this.

13 The questions of lawyers are not evidence. The  
14 answers are evidence. So lawyers have a right to ask  
15 questions. Otherwise, there's no other way to get  
16 information, but, uh, Mr. Wood is asking appropriate  
17 questions, but it's the answers that count.

18 MR. WOOD: Could you put Exhibit 260?

19 MR. SPIRO: Well, Your Honor. These exhibits are  
20 not in evidence so I would ask that they not be shown to the  
21 jury --

22 THE COURT: I don't what they are. Tell me in a  
23 general way what they are.

24 MR. WOOD: Well, the ones that I've used so far  
25 were emails to or from Mr. Musk.

1 THE COURT: Are you moving those exhibits?

2 MR. WOOD: I will do that.

3 THE COURT: What -- what numbers are they?

4 MR. WOOD: I would -- I would move to tender into  
5 evidence Exhibit 102 which was the one I used first and also  
6 260. This is the one I asked you to pull up now.

7 THE COURT: Well, I don't know about 260. 102 is  
8 in evidence. What generally without any controversial  
9 description is 260? What does it purport to be?

10 MR. WOOD: 260 is an email, I believe, I'll check,  
11 and email from Mr. Musk to someone in his staff commenting on  
12 the fact that the boys --

13 THE COURT: Okay, it's an email. And is it in the  
14 exhibit book?

15 MR. WOOD: It is.

16 THE COURT: Then have Mr. Musk look at Exhibit 260,  
17 see if he can identify it and then move it into evidence, and  
18 once it's in evidence, it can be questioned about and  
19 discussed. Let's use that format from here on in.

20 MR. WOOD: Thank you, Your Honor, I will.

21 Q. If you look at the trial exhibit book, Number 260,  
22 Mr. Musk.

23 A. Okay.

24 MR. WOOD: And I -- and I stand corrected.

25 It's a tweet by Mr. Musk, not an email.

1 THE COURT: Just have him look at the exhibit.  
2 He'll determine whether he recognizes it or not.

3 THE CLERK: Exhibit 260 placed before the witness.

4 MR. SPIRO: For -- for efficiency, Your Honor,  
5 we're not really objecting to this exhibit.

6 THE COURT: 260's in evidence.

7 (Exhibit 260 admitted.)

8 THE COURT: You may proceed.

9 MR. WOOD: Put it up on the screen for me, please.  
10 Thank you.

11 Q. July, the 10th, you tweeted Great news. They made it  
12 out safely. Congratulations to an outstanding rescue team.  
13 Have I read that correctly?

14 A. Uh, yes.

15 Q. Sir, at the time you tweeted this, you knew that all of  
16 the kids and their coach had been removed safely and rescued  
17 by the team. True?

18 A. Um, I am not certain. I'm not certain. If that -- I  
19 mean, these -- these dates are -- you're asking for a high  
20 level of precision on days, dates and time. Probably, they  
21 were all out, but I'm not sure.

22 Q. Well, whether it was all or some of 'em, you knew that  
23 it happened, and they had gotten out safely, and you said  
24 congratulations to an outstanding rescue team. True?

25 A. Yes.

1 Q. At the time that you published this tweet on the July  
2 the 10th, you had no idea whether Vernon Unsworth was part of  
3 that rescue team or not, did you.

4 A. I --

5 MR. SPIRO: Objection. I'm gonna object to form on  
6 these questions because they assume -- through the nature and  
7 tone of the question, it assumes facts, you know, to  
8 continuously ask him whether or not he knows and just inject  
9 his own narrative --

10 THE COURT: You know you're making a speaking  
11 objection, and you shouldn't, but to me, it sounds like he's  
12 asking do you know. And whether it's relevant or not, I  
13 can't determine at this point. We're at the early stages.  
14 But do you know is yes, I know. No, I don't. I mean, then  
15 you follow up with a question, and we see where it goes.  
16 I'll overrule the objection.

17 MR. WOOD: Thank you, Your Honor. May I proceed?

18 THE COURT: Yes.

19 BY MR. WOOD:

20 Q. And to be clear, on July the 10th, at the time you made  
21 this tweet, you did not know whether Mr. Unsworth was a  
22 member of the rescue team that had been working to try to  
23 save the kids from June the 24th until July 10th. True?

24 A. Uh, true. I -- I heard many names, but his -- his was  
25 not one of them.

1 Q. Now, back to your flight to Chiang Rai. You got there  
2 late at night; right?

3 A. Yes.

4 Q. And you had your folks with you and y'all met with some  
5 Thai officials, maybe even the prime minister, I believe.

6 A. The -- I sent the team, but the prime minister asked to  
7 meet with me. It's not something that I asked for, but he --  
8 he wanted to meet with me, and obviously, out of respect, I  
9 went to meet with the prime minister, but I sent my team  
10 ahead.

11 Q. And then after meeting with the prime minister and  
12 perhaps some of his colleagues in the Thai government, you  
13 went with the tube and took it over to -- very close, but not  
14 to the entrance of the cave. True?

15 A. We took it to the Thai Navy SEALs.

16 Q. And then you -- and correct me if I'm wrong, I  
17 apologize. You went with some other people, some Thai Navy  
18 seals.

19 A. Yes.

20 Q. And you went into the cave.

21 A. Yes.

22 Q. Walked to a certain point which was called the dive  
23 point, the point where you can't go any further unless you're  
24 ready to dive under the water in the dark. You went, and in  
25 almost an hour-and-a-half, you walked there into the cave and

1 back.

2 A. That's correct.

3 Q. And photographs were taken. In fact, you posted on  
4 Twitter the photograph of the inside of the cave as it had  
5 been observed when you were there. True?

6 A. Uh, yes.

7 Q. And then you left to go back to your hotel room; right?

8 A. Yes.

9 Q. And at the time you left because you had been there with  
10 the Thai navy seals, did you know that there were four --  
11 five more people that needed to be brought out? Four kids  
12 and a coach.

13 A. Yeah, I was aware that there were people that needed to  
14 be -- be brought out, yes.

15 Q. And you got up early in the morning. You did not go  
16 back to the cave, did you.

17 A. Uh, no.

18 Q. You got on your plane, and you flew to Shanghai for a  
19 business meeting that you had previously scheduled unrelated  
20 to the trip to take the tube. Fair?

21 A. Yes.

22 Q. Refer to Exhibit 103, please.

23 A. I believe I have 103.

24 Q. You have 103?

25 A. I think so.



1 Q. You recognize 103 as an email exchange between you and  
2 Steve Davis at SpaceX?

3 A. Yes.

4 MR. WOOD: I move to tender into evidence on behalf  
5 of the plaintiff Exhibit 103, Your Honor?

6 THE COURT: Any objection?

7 MR. SPIRO: Objection. Foundation, hearsay,  
8 relevance.

9 THE COURT: Let me see 103.

10 MR. SPIRO: 403.

11 THE COURT: Objection sustained.

12 MR. WOOD: Your Honor, may I tender the email  
13 portion of that July the 10th, Mr. Musk writing to Mr. Davis  
14 starting with btw, by the way? I'm not sure which part the  
15 Court is concerned with.

16 THE COURT: The only part that -- and when I say  
17 relevant, I'm not making an assessment of its probative  
18 value. I'm just saying relevant for purposes of ruling on  
19 the offer. The only part of that that will be admissible is  
20 the heading and the first paragraph.

21 MR. WOOD: Of the first email, July 10?

22 THE COURT: Yes. Of July 9. That's what I have.  
23 Everything after that is not admitted.

24 MR. WOOD: And I apologize, Your Honor. There's  
25 always been a level of confusion sometimes on dates because

1 of the difference in Pacific time and the time of day or the  
2 day --

3 THE COURT: Just one moment. I -- I may have made  
4 an error because I always read these emails in the wrong  
5 direction. You're supposed to read them from the end first  
6 so let me do that. Just one moment.

7 Now, I want to make sure that I understand the  
8 format. Is the offer -- on July 10, 2018, 2:18 a.m. email,  
9 is it just that sentence or does it include the four  
10 paragraphs above?

11 MR. WOOD: For purposes of discussing it and the  
12 tendering into evidence, it includes July 10, 2018 at  
13 2:18 a.m., Elon Musk wrote the sentences below that, and  
14 also, he was responding to an email below.

15 THE COURT: Well, let me ask, you should be, but  
16 I'll do it for convenience sake, can the witness look at the  
17 last page of exhibit, not the last page, but the email of  
18 July 10 and indicate whether or not the July 10 email,  
19 2:18 a.m. is a response to the email directly above it?  
20 Answer yes or no. I'm looking first at this July 10, 2018,  
21 2:18 a.m. email, and then there is something that's posted at  
22 1:10. Is the 2:18 a.m. -- do I have it backwards?

23 MR. WOOD: Yes. With all due respect.

24 THE COURT: All right.

25 MR. WOOD: He's responding to Mr. Davis' email

1 which is the one directly below the email, not the one above  
2 it.

3 THE COURT: Well, you tell us, Mr. Musk, whether  
4 you understand it that way or not. Maybe you can tell us, if  
5 you know, what is represented in that portion of Exhibit 103.

6 THE WITNESS: It's, uh -- I -- I apologize,  
7 Your Honor. I'm a bit confused myself as to what is being  
8 requested.

9 THE COURT: It really is a question that seems to  
10 go to whether or not in that page, the second page of  
11 Exhibit 103, you are responding to an email from another  
12 person that was directed to you. I -- I can't say yes or no.  
13 It's -- it's for you to tell us if you know.

14 THE WITNESS: Could you repeat the question?

15 What -- what are you trying to get me to answer?

16 BY MR. WOOD:

17 Q. All I would like to know you, we'd like to know is you  
18 see the email July 10th, 2:18 a.m., it starts BTW?

19 A. Yes.

20 Q. Was that an email that you sent, it's on the next page,  
21 in response to an email that you received from Steve Davis  
22 earlier? Which is on the bottom of the thread, email chain.  
23 You see it?

24 A. This is -- this is extremely difficult to follow. Uh,  
25 are -- are you saying is it . . . where I say, uh, we need

1 to get together?

2 Q. No, I don't want to go into substance.

3 A. Yeah.

4 Q. We're just trying to figure out the chronological order.

5 A. Okay.

6 Q. All I'm asking you, and I believe what the Court is  
7 inquiring, is the email where you started off saying by the  
8 way, my GF, and we'll go into that, but I don't want to until  
9 it's admitted into evidence, was that email sent by you in  
10 response to the email below it that you had received from  
11 Steve Davis? That's the only thing I want to know right now.

12 A. I -- I -- actually, I'm not sure.

13 THE COURT: All right, that's his answer.

14 MR. WOOD: That email itself, just the email of  
15 July 10th, 2:18 a.m., I would like to tender that into  
16 evidence --

17 THE COURT: All right.

18 MR. WOOD: -- on behalf of the plaintiff.

19 Just that portion.

20 THE COURT: That portion is -- the exhibit comes  
21 into evidence, but just that portion, and at the appropriate  
22 time, we'll excise the rest.

23 (Exhibit 103 admitted.)

24 BY MR. WOOD:

25 Q. Mr. Musk, if you'd look at that email that you wrote and

1 follow it with me to make sure I get it right.

2 A. Yeah.

3 Q. BTW is by the way. Are you with me?

4 A. Yes.

5 Q. And I'm gonna take the liberty of saying my gf is my  
6 girlfriend?

7 A. Yes.

8 Q. By the way, my girlfriend just texted me saying the head  
9 of the Thai rescue team said our solution wasn't practical,  
10 and that the press is turning negative. I just woke up in  
11 Shanghai. What's happening? Have I read that correctly?

12 A. Yes.

13 Q. And within that time period and the time period before  
14 Mr. Unsworth gave an interview that you learned of. You're  
15 with me? Gave his interview on July, the 13th.

16 A. Yes.

17 Q. So in the couple of days before the interview, did you  
18 know that various members of the media in certain articles  
19 had criticized your efforts describing them as a useless  
20 stunt or a PR stunt? Did you know that?

21 A. Yes.

22 Q. In fact, before Mr. Unsworth ever gave his interview,  
23 and it was aired, and before you saw it, before you had any  
24 idea who Vernon Unsworth was, as you told me in August of  
25 2019 that you, yourself, could understand why others might

1 view your efforts as a narcissistic PR stunt. True?

2 A. Yes.

3 Q. And that, in fact, did you know the writer from the  
4 Financial Times -- you know what the Financial Times is,  
5 don't you?

6 A. Yes.

7 Q. Did you know, in fact, prior to seeing Mr. Unsworth's  
8 name or his interview, did you know that the writer in an  
9 article in the Financial Times had called your tube a quote  
10 narcissistic PR stunt? End quote. Did you know that?

11 MR. SPIRO: Objection, hearsay.

12 THE COURT: Overruled.

13 THE WITNESS: No, not that specifically.

14 BY MR. WOOD:

15 Q. And you get -- I don't want to overstate it. You have  
16 your name set up on Google alerts; right?

17 A. Uh, not anymore.

18 Q. Well, at the time, you did, did you not?

19 A. Yes.

20 Q. So you daily or wherever something popped periodically  
21 during the day, you would get an alert alerting you to  
22 something being posted on the Internet from some different  
23 source that addressed you. Right?

24 A. Yes, not -- yes. Not necessarily -- not that I would  
25 read all the dribble, but I would receive one.

1 Q. And so after you were aware of the -- at least one  
2 article and others, and in your own mind, you had conceded  
3 that it could be viewed as a narcissistic PR stunt. Somehow  
4 either through a Google alert or perhaps an email that  
5 someone on your -- that worked for you would send you,  
6 somebody brought to your attention the interview of Vernon  
7 Unsworth. Is that true?

8 A. I believe I saw it on Twitter or through some Twitter  
9 link or somethin'.

10 Q. Do you know where you were when you saw it? Did you  
11 click on a link and watch it?

12 A. Yeah. I think -- um, it was like a Sunday morning,  
13 early Sunday morning, I believe I saw the link on Twitter.

14 Q. And the day -- or are you saying you saw it on Sunday  
15 morning or that Sunday morning or the night before? I just  
16 want to correlate if you would, Mr. Musk, to when you saw it  
17 and when you posted on Twitter the reference to Vernon  
18 Unsworth as pedo guy. Twitter came second; right? You had  
19 seen the interview first.

20 A. I saw the interview.

21 Q. How much time went by? Approximately.

22 A. Very little. It was maybe minutes to hours but not a  
23 long time.

24 Q. Was anybody with you when you watched it?

25 A. I think my girlfriend may have been there, but she may

1 have been asleep.

2 Q. How many times did you watch it before you posted pedo  
3 guy on Twitter?

4 A. I don't know, a couple times, two or three. Two or  
5 three times.

6 MR. WOOD: And Your Honor, I'd now like to play for  
7 the jury after tendering into evidence Trial Exhibit 14 which  
8 is the video interview that Mr. Unsworth gave on CNN  
9 International.

10 MR. SPIRO: No objection.

11 (Exhibit 14 admitted.)

12 THE COURT: Received in evidence.

13 MR. WOOD: Mr. Musk, we're going to play that  
14 interview now, and if you would watch it with us along with  
15 the jury.

16 (Video played.)

17 BY MR. WOOD:

18 Q. Is that the video interview that you saw within perhaps  
19 minutes or hours before you tweeted describing Mr. Unsworth  
20 as a pedo guy?

21 A. Yes.

22 Q. Doesn't take long to watch, does it?

23 A. No.

24 Q. When you watched it, you tell us it made you angry cause  
25 you didn't like the criticism of the tube because by



1       implication, if you criticized the tube, you're criticizing  
2       the efforts of all the people on your team who worked to  
3       build it; right?

4       A.    Uh, it was an unprovoked attack on what was intended to  
5       be, was done in a good natured attempt to help the kids, um,  
6       and he also flat out lied when he said I was asked to leave.  
7       I was not asked to leave at any point. We were, in fact,  
8       welcomed there.

9       Q.    You were angry.

10      A.    I was upset that, you know, here's this guy going --  
11      going on, you know. Like I said, an unprovoked attack on  
12      what -- you know, a lot of people worked incredibly hard to  
13      try to be helpful, responding directly to the request of the  
14      head of the dive team, um . . . you know, but he was -- was  
15      wrong and insulting, and so I insulted him back.

16               MR. WOOD: Gotcha. So let's put the insults up if  
17      you would now, Exhibit 10.

18      Q.    What you're describing as insults, I'm gonna up for the  
19      jury.

20      A.    Mm-hmm.

21               MR. WOOD: Exhibit 19?

22               THE COURT: Is that the July 15 tweet?

23               MR. WOOD: It is, Your Honor.

24               THE COURT: Exhibit 19 is in evidence.

25                               (E Exhibit 19 admitted.)

1 MR. SPIRO: No objection.

2 THE COURT: It's in evidence.

3 BY MR. WOOD:

4 Q. This looks like -- do you see that, Mr. Musk?

5 A. Yes.

6 Q. We kind of have to read Twitter threads just the  
7 opposite of email threads. Remember how we started a minute  
8 ago? Everybody was trying to figure out. When you start  
9 with an email thread, you start from the last page and come  
10 forward. With a Twitter thread, you're really stacking one  
11 on top of the other. It follows chronologically. Do you  
12 agree?

13 A. Yes.

14 Q. On July the 15th at 4:10 a.m., you published, and I know  
15 the precise number, around 22 million Twitter followers at  
16 the time. Now we're up to about 29 million. Does that sound  
17 about right?

18 A. Um, yes, although a reply does not actually go out to  
19 anyone. It's not broadcast to the -- to the followers.

20 Q. You don't believe that this tweet got widespread  
21 publicity?

22 A. No, but if -- if you -- if you write an original tweet,  
23 it goes out to all of the followers. If you reply, it is --  
24 is only for those who proactively look at the replies. This  
25 would be -- those would be hundreds of times less, uh, uh,

1 prominent than anything that is an actual tweet. That's how  
2 Twitter works.

3 Q. Well, with all due respect, if I can push back a little,  
4 you weren't replying to anybody. You posted a tweet from  
5 Elon Musk, you had posted another tweet from Elon Musk, and  
6 you posted another tweet from Elon Musk. Isn't that what it  
7 shows?

8 A. No, that is not what this shows. It shows replying to  
9 Dana.

10 Q. And I don't have that at the top, and I stand corrected,  
11 Mr. Musk. This is when you tweeted on July the 15th at  
12 4:10 a.m. You started off at the top, never saw this British  
13 expat guy who lives in Thailand (sus). Did I read that  
14 correctly?

15 A. Yes.

16 Q. And you use sus in the way people would expect to  
17 ordinarily understand it. It would suggest the word  
18 suspicious; right?

19 A. Yes.

20 Q. Never saw the British expat who lives in Thailand (sus)  
21 at any point when we were in the caves. Only people in the  
22 site were the Thai Navy, Army guys who were great. Thai Navy  
23 Seals escorted us in. Total opposite of wanting us to leave.  
24 Have I read that correctly?

25 A. Yes.

1 Q. And then you tweeted water level was actually very low  
2 and still not flowing. You could have literally have swarmed  
3 the cave, five with no gear which is obviously how the kids  
4 got in. If not true, then I challenge this dude to show  
5 final rescue video. He gives credit to the pump and  
6 generator team, unsung heroes here. Have I read that  
7 correctly?

8 A. Yes.

9 Q. And then you tweeted if you follow me the following.  
10 You know what? Don't bother showing the video. We will make  
11 one of the mini sub pod going all the way to Cave five. No  
12 problemo. Sorry, pedo guy. You really did ask for it. Have  
13 I read that correctly?

14 A. Yes.

15 Q. At the time you published that tweet to however many  
16 people saw it, you did not have a clue who Vernon Unsworth  
17 was, did you?

18 A. No, I thought he was just, uh, some random, creepy guy  
19 that the media was interviewing and that was on attack. And  
20 since he said, for example, that we were asked to leave the  
21 caves which was absolutely untrue, I thought at the time that  
22 he was unrelated to the rescue.

23 Q. Turns out you were wrong.

24 A. Yes.

25 Q. You subsequently learned Mr. Unsworth's involvement was

1 sought primarily for two reasons, one, because he was  
2 extremely familiar with the Tham Luang cave system; right?

3 A. I -- I don't know why his -- how his involvement  
4 originated, but I do know that he played a role in, uh,  
5 locating the kids.

6 Q. Did you ever learn that -- when the Thai government  
7 wanted the three British expert cave divers to come from the  
8 U.K. to Thailand to help save these kids, did you know that  
9 in order for those three individuals to get involved, they  
10 needed the approval of the British commission or authority  
11 that they were members of in terms of their cave, uh, diving  
12 profession?

13 A. Uh --

14 Q. Did you know that?

15 A. -- no.

16 Q. Did you know that in order to get the authority that  
17 someone had to be familiar with how to get in touch with the  
18 authority to get permission for those divers to come to the  
19 cave. Did you know that?

20 A. Uh, no.

21 Q. Did you know that -- in fact, the person that knew about  
22 the authority, that had the contacts to get in touch with the  
23 authority to get the approval of the authority to allow Rick  
24 Stanton and the two other expert cave divers to go to  
25 Thailand, did you know that that was Vernon Unsworth?

1 MR. SPIRO: Objection, compound.

2 Standing objection that I made earlier.

3 THE COURT: What was the legal grounds for the  
4 objection?

5 MR. SPIRO: That -- that was compound.

6 THE COURT: It is compound, and it's sustained on  
7 that ground. What was the earlier objection?

8 MR. SPIRO: I'm making -- I don't want to keep  
9 repeating objections in court --

10 THE COURT: Well, you can make -- there's no  
11 adverse inference for making appropriate objections. I told  
12 the jury that. And this is not a who looks good or who looks  
13 bad before the jury. The case is about the evidence. The  
14 jury knows that. They're not out degrading you on how many  
15 objections you make and get sustained or not.

16 What is the earlier objection? Legal grounds.

17 MR. SPIRO: Objection to form, assumes facts not in  
18 evidence.

19 THE COURT: Sustained.

20 BY MR. WOOD:

21 Q. Did you know -- at the time that you published the tweet  
22 referencing Mr. Unsworth as pedo guy, did you know that  
23 Mr. Unsworth was an individual who had contacted the British  
24 authority to get the cave divers --

25 THE COURT: Sustained.

1 BY MR. WOOD:

2 Q. Did you have any knowledge at the time you published the  
3 tweet of what role, if any, Mr. Unsworth had played in  
4 connection with the British cave divers coming to Thailand?

5 A. No, I never heard -- never heard his name before.

6 Q. Okay. At the time that you -- prior to publishing the  
7 tweet, in fact, prior to watching the video -- that's not  
8 even fair. When you watched the video, and you saw  
9 Mr. Unsworth, that's the first time you ever laid eyes on him  
10 that you could recall. True?

11 A. Yes.

12 Q. You did not know anything about whether he had explored  
13 the Tham Luang cave or not. True?

14 MR. SPIRO: Objection.

15 THE COURT: Well, it's just -- he's not making a  
16 statement of fact. He's just asking a question so there he  
17 can say yes or no.

18 THE WITNESS: Obviously, if I never heard of the  
19 guy, I would not have any facts associated with -- with, uh,  
20 Unsworth.

21 BY MR. WOOD:

22 Q. So you did not know he was married to his wife living in  
23 the U.K. You didn't know that.

24 A. No. Again, I mean, obviously, if I don't know somebody,  
25 then I also don't know anything about them.

1 Q. That's fair enough.

2 A. Yeah.

3 Q. Zero. Not about his family, not about where he lived,  
4 not about where he traveled. You didn't know anything. Zero  
5 about him; right?

6 A. That is correct.

7 Q. Okay. Thank you. Would you look at Exhibit 200,  
8 Mr. Musk? I just want to ask you if that is true and correct  
9 copy of tweets you posted on July 15th of 2018 after you  
10 published the tweet describing Mr. Unsworth as pedo guy?

11 A. Are you asking me are these tweets real?

12 Q. Yes.

13 A. Yes.

14 MR. WOOD: I tender into evidence on behalf of the  
15 Plaintiff Exhibit 200, Your Honor.

16 THE COURT: I'm not . . .

17 Is there any objection?

18 MR. SPIRO: No, Your Honor.

19 THE COURT: All right, then it's received.

20 (Exhibit 200 admitted.)

21 MR. WOOD: Admitted?

22 THE COURT: Received.

23 BY MR. WOOD:

24 Q. Am I right that your tweet at the bottom of Exhibit 200,  
25 the way Twitter works is essentially responding up the chain



1 to the tweets by Kevin Beaumont.

2 A. Um, yeah.

3 Q. So Kevin Beaumont tweeted -- and it looks like Kevin  
4 Beaumont tweets here's Elon Musk calling a New York Times  
5 journalist a pedophile. Have I read that correctly?

6 A. You know, that's bizarre cause I'm -- I'm not sure  
7 what -- who's the New York Times journalist?

8 Q. He's saying that he's -- he's publishing, retweeting, in  
9 effect, your tweet calling Mr. Unsworth pedo guy; right?

10 A. It doesn't -- this doesn't make sense because  
11 Mr. Unsworth is not a New York times journalist.

12 Q. Just stay with me, Mr. Musk. I think we're gonna get  
13 that clarified right here. In fact, nobody means to say  
14 Mr. Beaumont was wrong. But Mr. Beaumont thought that you  
15 were calling a New York times journalist pedophile if you  
16 believe what he tweeted; right?

17 A. I mean, people say lots of things on Twitter that, you  
18 know, aren't accurate.

19 Q. They do.

20 A. Yeah.

21 Q. That aren't true. They say things that are inaccurate  
22 and things that are false.

23 A. There's a wide range of accuracy on Twitter.

24 Q. So he's referring to your pedo guy tweet. You see that  
25 just below that?

1 A. Yeah. I guess -- I guess he thinks maybe the Zeynep guy  
2 is the New York Times journalist?

3 Q. Well, look at what he says right below that. Kevin  
4 Beaumont says oh, sorry --

5 THE COURT: Let's go at this a different way. It  
6 is in evidence so you can get into it. Is it established  
7 that these were directed to Mr. Musk?

8 MR. WOOD: Yes, Your Honor. I'm just going through  
9 the thread to put everything in context.

10 THE COURT: All right. Then go ahead.

11 BY MR. WOOD:

12 Q. So then Beaumont says oh, sorry, he's calling the guy  
13 who found the children a pedo. Real classy. @elonmusk;  
14 right?

15 A. Yes.

16 Q. He acknowledges he made a mistake and thought you were  
17 talking about a New York times journalist, but he recognizes  
18 you were really talking about Mr. Unsworth; right?

19 A. Yes.

20 Q. And then you say in response to that, what? Read your  
21 tweet.

22 A. Bet you a signed dollar it's true.

23 Q. Bet you a signed dollar it's true. Right?

24 A. Yeah. Obviously, not a very high stakes situation here.

25 Q. Yeah. But you had a low wager on whether it's true or

1 not.

2 A. Yeah.

3 Q. Right? Right?

4 A. Well, yeah. I mean, I would say I think if I really  
5 thought it was true, I would probably have said more than a  
6 dollar.

7 Q. Well, nonetheless, that's what you stated.

8 A. Yes. Meaning it could be true. It could not be true.  
9 I don't know.

10 Q. Right. Because the idea that Mr. Unsworth was a  
11 pedophile which is what Mr. Beaumont had said in the above  
12 tweets when he thought you were calling the New York Times a  
13 pedophile, then he corrected it and say no, Mr. Unsworth is  
14 called a pedophile.

15 A. Yeah.

16 Q. And you responded and said bet your bottom dollar -- bet  
17 you a signed dollar it's true, you would tell me and this  
18 jury that you didn't have any idea whether it was true or  
19 false that Vernon Unsworth was a pedophile. Right?

20 MR. SPIRO: Objection. Mischaracterize.

21 THE COURT: Ask the question a different way.

22 BY MR. WOOD:

23 Q. At the time you tweeted bet you a signed dollar it's  
24 true, in terms of your state of mind, Mr. Musk, you didn't  
25 know whether the statement about Mr. Unsworth was true or

1 false. Right?

2 A. That is correct.

3 Q. Then after you had some exchanges with your colleagues,  
4 and we can pull them up if we need to. Let me see if I can  
5 speed it up.

6 You had a number of people that worked with you,  
7 sent you an email essentially saying we've met, and here's  
8 the course of action that we think you should take because  
9 your stock went down and whether it's significant or not, and  
10 I'm not debating that, but Tesla stock fell approximately 4  
11 percent after the news broke of you calling Mr. Unsworth a  
12 pedo guy; right?

13 MR. SPIRO: Objection as to form. Objection, 401,  
14 402, 403.

15 THE COURT: Objection sustained.

16 BY MR. WOOD:

17 Q. You had a number of your confidants, at least people  
18 that you worked with, that had discussed what you should do  
19 in response to the coverage about the tweet on Mr. Unsworth;  
20 right?

21 A. Yes.

22 Q. And they made a suggestion, and we could pull it up, and  
23 I'm trying to move quicker. One of the things they  
24 suggested, for example, was that you should go and meet  
25 Vernon Unsworth in person and apologize to him. Right?

1 A. I don't recall that specifically.

2 Q. All right.

3 May I have just a moment Your Honor?

4 Look at Exhibit 35, Mr. Musk. Do you have  
5 Exhibit 35 in front of you?

6 A. Yes.

7 Q. And I'm gonna step back and correct myself here. They  
8 were not -- they were not the ones that suggested the  
9 in-person apology. You're familiar with that email from Sam  
10 Teller to you on July the 17th, 2018?

11 A. Yes.

12 MR. WOOD: I move to tender Exhibit 35 into  
13 evidence for the plaintiff, Your Honor?

14 MR. SPIRO: Objection. Foundation, relevance,  
15 hearsay, 403.

16 THE COURT: Well, to all of the exhibit or just  
17 part of it?

18 MR. WOOD: I don't want to discuss -- perhaps I  
19 should come up.

20 THE COURT: I'm just asking.

21 MR. WOOD: Yeah, I'm submitting all of it, Your  
22 Honor.

23 THE COURT: And you're objecting to all of it or  
24 part of it?

25 MR. SPIRO: Yes, Your Honor, to all of it.

1 THE COURT: All right. Then approach the side bar.

2 (The following proceedings occurred at side bar.)

3 THE COURT: Maybe I misunderstood what this exhibit  
4 was? Was this the internal document or effort of the  
5 apology?

6 MR. WOOD: This is a document from Sam Teller to  
7 Elon Musk to him giving him the recommendations of what he  
8 should do in response to the tweet.

9 THE COURT: I realize that, but then the rest of  
10 the tweet is that in response to the persons who sent the  
11 tweet or was that something that was sent to the world at  
12 large?

13 MR. WOOD: That is a recommended statement that his  
14 people said they thought he should issue.

15 THE COURT: The relevance is what he actually  
16 issued was something less. Is that the point?

17 MR. WOOD: Yes. He rejected that.

18 MR. SPIRO: Just so the Court is aware what  
19 triggered the objection is I don't know the order of these  
20 exhibits. That's why I'm responding the way I am. It starts  
21 with the equivalent of rank hearsay. I have solicited  
22 feedback from and then it lists ten people. It's hearsay on  
23 top of hearsay.

24 THE COURT: You don't know who solicited the points  
25 from these people?

1 MR. SPIRO: Sure, it says that these human beings  
2 who are not here as witnesses all made points.

3 THE COURT: But the point is, if he can, laying a  
4 foundation is important. You show the exhibit, ask him if he  
5 recognizes it. Ask him if this was the suggested response  
6 from his employees or colleagues, and if he says yes, it was,  
7 then there's foundation and you can proceed. If he says it  
8 isn't, then there's an issue.

9 MR. WOOD: This goes to state of mind.

10 (Side bar concluded.)

11 BY MR. WOOD:

12 Q. Looking back at Exhibit 35, do you recognize that was an  
13 email sent to you by Sam Teller?

14 A. Yes.

15 Q. And was -- de facto your chief of staff without a formal  
16 title. Would that be fair?

17 A. Yes.

18 Q. Mr. Teller sent to you an email saying that he had  
19 talked to a certain number of individuals, and their names  
20 are identified. You see them there?

21 A. Mm-hmm. Yes.

22 Q. And that they were making a recommendation to you on  
23 what you should do in response to the publicity surrounding  
24 your pedo guy tweet. And then they'd make your recommended  
25 statement for you to issue. Do I have that right?

1 A. Yes.

2 MR. WOOD: I tender Exhibit 35 into evidence.

3 THE COURT: Received.

4 (Exhibit 35 admitted.)

5 BY MR. WOOD:

6 Q. If you would look at Exhibit 91, Mr. Musk.

7 MR. SPIRO: Your Honor, for efficiency, based on  
8 the Court's ruling, we would object. We make the same  
9 objection, but understanding the Court's ruling, this is Mr.  
10 Unsworth's response, and so, um, we don't need to be heard  
11 further.

12 MR. WOOD: So I would tender Exhibit 91 into  
13 evidence on behalf of Mr. Unsworth, Your Honor.

14 THE COURT: Let me just get it.

15 BY MR. WOOD:

16 Q. In response to --

17 THE COURT: I need to get it.

18 MR. WOOD: I'm sorry.

19 THE WITNESS: I'm sorry. The question is?

20 THE COURT: It would be the same question.

21 Does he recognize this exhibit?

22 MR. WOOD: Yes, and I've tendered it into evidence.

23 THE COURT: No objection?

24 MR. SPIRO: It's the same objection. But given the  
25 Court's ruling, I would just ask that before it's shown to



1 the jury, what Your Honor remarked at the bench, we were able  
2 to address. Other than that previous record I've made, I  
3 have nothing further.

4 THE COURT: All right. Make a note of these things  
5 to make sure that I respond appropriately at the right time.

6 MR. SPIRO: Thank you, Your Honor.

7 THE COURT: Then it's received. 91 is in evidence.

8 (Exhibit 91 admitted.)

9 MR. WOOD: Thank you, Your Honor.

10 Would you put 91 up for me?

11 Q. Exhibit 91, Mr. Musk, is your response to Mr. Teller's  
12 email we just went over. True?

13 A. Yes.

14 Q. And you said after sleeping on this, I'm not happy about  
15 the suggested approach. It would have been particularly  
16 foolish and depraven of my, I think you meant me, to do it  
17 last night right after a share drop as my apology would  
18 simply have been dismissed as a disingenuous and cowardly  
19 attempt to restore the stock price. We need to stop  
20 panicking. Have I read that correctly?

21 A. Yes.

22 Q. And then on that day after you sent that email, you  
23 tweeted what you refer to and your counsel refers to and I'm  
24 okay referring to as the apology tweet. Didn't you?

25 A. Yes.

1 Q. And the apology tweet -- look at Exhibit 201. Let's  
2 make sure we get it in evidence. Look at Exhibit 201. Do  
3 you have it in front of you?

4 MR. SPIRO: Again, for efficiency, there's no  
5 objection, Your Honor.

6 THE COURT: I tender Exhibit 201 into evidence on  
7 behalf of Mr. Unsworth.

8 THE COURT: Received.

9 (Exhibit 201 admitted.)

10 BY MR. WOOD:

11 Q. So it looks like you are replying to someone, Adam  
12 Chavez. You see there where it starts nonetheless?

13 A. Yes.

14 Q. You had tweeted . . .

15 MR. WOOD: May I step over to the timeline for just  
16 one moment, Your Honor?

17 THE COURT: Yes.

18 BY MR. WOOD:

19 Q. On July the 17th, you tweeted, follow with me,  
20 nonetheless -- well, you had tweeted before that right up  
21 above it. As this well written article suggests, and you're  
22 referring to a Quora article that had been posted by someone;  
23 right?

24 A. Yes.

25 Q. You said as this well written article suggests, my words

1 were spoken in anger after Mr. Unsworth said several untruths  
2 and suggested I engage in a sexual act with a mini-sub which  
3 had been built as an act of kindness and according to  
4 specifications of the dive team leader. Have I read that  
5 correctly?

6 A. Yes.

7 Q. Let me stop there before we go to the next one. You  
8 knew, Mr. Musk, that when Mr. Unsworth gave the interview and  
9 said he can stick it where it hurts, he was not saying that  
10 literally. He was use using an idiomatic phrase, and you  
11 recognized that as you said in your deposition. True?

12 A. Yes. Just as he was using an idiomatic phrase, and I  
13 assume he did not literally mean to sodomize me with a  
14 submarine, then I -- then I also did not literally mean he  
15 was a pedophile. I just meant he was a creep.

16 Q. I understand your position. Someone else will decide  
17 that.

18 A. Sure.

19 Q. The jury.

20 A. The jury will decide that.

21 Q. Yeah, you bet.

22 A. Okay.

23 Q. You knew that it was not -- he was not telling you, and  
24 this is your words, to shove it up your -- up your ass. He  
25 was not saying that, was he?

1 A. Yes. As I said, just as I didn't literally mean he was  
2 a pedophile, I'm sure he didn't literally mean shoving the  
3 sub up my ass.

4 Q. I understand -- I understand what your position is.  
5 We'll address that. Right now, I want to talk about your  
6 apology and what you said. You knew that when he said stick  
7 it where it hurts, he wasn't literally saying take the tube  
8 and shove it where it hurts. He was speaking figuratively as  
9 an idiomatic phrase that you knew was a way of saying that he  
10 was calling bullshit on your tube. True?

11 A. Yes.

12 Q. So then you went on with your apology, and you said --  
13 after you made the comments about the Quora article, the  
14 well-written article; right?

15 A. Yes.

16 Q. You follow that tweet with saying nonetheless, his  
17 actions against me do not justify my actions against him.  
18 Did you write that then?

19 A. Yes.

20 Q. Was it the truth when you published it on Twitter?

21 A. Did I mean what I said? Yes.

22 Q. That his actions against you did not justify your  
23 actions against him. Did you mean it when you published it  
24 on Twitter?

25 A. I just mean to say that if -- like just because somebody

1 insults you does not mean you should insult them back.

2 Q. And for that, I apologize to Mr. Unsworth and to the  
3 companies I represent as a leader. Have I read that  
4 correctly?

5 A. Yes.

6 Q. And then what was the last sentence that you wrote and  
7 published on Twitter?

8 A. That the fault is mine and mine alone.

9 Q. The fault is mine and mine alone. Was that an honest,  
10 truthful statement by you on Twitter on July the 18th, 2018  
11 when you said the fault is mine and mine alone?

12 A. Yes. Yes. Nobody else was responsible for insulting  
13 Mr. Unsworth.

14 Q. So on the 18th of July, you acknowledge from your state  
15 of mind and your statement the fault is mine and mine alone;  
16 right?

17 A. Yes.

18 Q. 17th, excuse me. And that statement is as true today in  
19 terms of your assessment as it was true when you made it on  
20 July the 17th. True?

21 A. Yes.

22 MR. WOOD: Your Honor, I have a -- the Quora  
23 article that I'd like to go into next.

24 THE COURT: Any objection to that?

25 MR. SPIRO: Just a moment, Your Honor. Objection

1 to media articles being entered on hearsay grounds.

2 THE COURT: All right. Well, let's pass -- pass on  
3 that for the moment, and let's -- maybe this is a convenient  
4 time to take a short recess. How about ten minutes? And  
5 then we'll come back, and I'll take up this issue now.

6 You may step down, Mr. Musk.

7 THE CLERK: All rise.

8 (Jury not present.)

9 MR. WOOD: Your Honor, may we -- may we take a  
10 break before we talk?

11 THE COURT: Why don't we take a quick break and  
12 then get back, and I want to discuss this issue outside the  
13 presence of the jury.

14 MR. WOOD: Would Your Honor like to have me  
15 identify the Quora article so you can look at it while I'm  
16 gone?

17 THE COURT: While the jury is not here, what is the  
18 purpose? What is the relevance of the article?

19 MR. WOOD: Straight up. Mr. Musk described that  
20 article in Quora as a well-written article. The link to it  
21 had just been posted.

22 THE COURT: I noticed that.

23 MR. WOOD: And that article talked about the fact  
24 and discussed the fact that he was calling Mr. Unsworth a  
25 pedophile. And my position is that he sat there, and he told

1 his readers or viewers to look at this well written article,  
2 and, in fact, the well written article which I assume he had  
3 to read to know it was well written said that what he was  
4 saying about Vernon Unsworth was that he was a pedophile.

5 THE COURT: All right, let me hear the objection.

6 MR. SPIRO: Okay. He didn't lay the foundation  
7 that he read that part of the article or anything about the  
8 article, and beyond that, a media article is just rank  
9 hearsay.

10 THE COURT: You're right about that, but he's  
11 offering it for a different purpose for the effect it had on  
12 the witness and what it might reflect upon what he meant by  
13 pedo guy. That's not for me to decide.

14 So if you lay a foundation for the article, it can  
15 be received. But, of course, he has said at least from my  
16 reading of the email well-written, I mean, that seems to  
17 suggest that he read it. I don't know whether he did or not.  
18 Maybe somebody told him something about the article.

19 You have to lay foundations for all these things.  
20 When foundations are attempted, then I can understand the  
21 objection and the relevance. Otherwise, I can't.

22 MR. WOOD: How long, Your Honor?

23 THE COURT: Ten minutes.

24 MR. WOOD: Thank you.

25 THE CLERK: All rise.

1                   You can step down.

2                   This honorable court stands in recess.

3                                 (Recess taken.)

4                   THE COURT: We are ready to proceed.

5 BY MR. WOOD:

6 Q. If you would look at Exhibit 223, Mr. Musk. My question  
7 is whether Exhibit 223 is the Quora article that you  
8 described as well-written in your tweet of July 17th, 2018?

9 A. Uh, yes, I read -- I read this. Yeah, I only read this  
10 once, um, and I wouldn't say I have a comprehensive recall of  
11 the article.

12 Q. But that's the article, even if you read it once, that's  
13 the article you're referring to; right?

14 A. Uh, yes.

15 MR. WOOD: Tender Exhibit 223 into evidence on  
16 behalf of the plaintiff, Your Honor.

17 THE COURT: Received.

18                                 (Exhibit 223 admitted.)

19 BY MR. WOOD:

20 Q. If I can backtrack for a moment, Mr. Musk. After you  
21 saw the interview of Mr. Unsworth and before you tweeted sus  
22 or suspicious and pedo guy, you did what I think you called  
23 when I discussed it with you earlier not investigation, but  
24 research; right?

25 A. Uh, I'm not sure I called it research. I'm not sure



1 what you mean.

2 Q. You went on Google and you Googled Vernon Unsworth.

3 A. Yes.

4 Q. And you said well, I thought he lived in Thailand which  
5 you said you thought was pretty suspicious; right?

6 A. Yeah.

7 Q. Suspicious in what way, sir? The fact that he was -- he  
8 lived in Thailand, what was suspicious about that?

9 A. Uh, just a creepy, old white guy expat living in  
10 Thailand. Why? You know, who knows what he's doing there.

11 Q. What do you mean when you say who knows what he's doing  
12 there?

13 A. I literally mean what's he doing there.

14 Q. But also before you posted tweets where you described  
15 him as suspicious and as a pedo guy, you also looked up one  
16 other name, didn't you? You looked up Chiang Rai because  
17 that's where the cave was located; right?

18 A. Yes.

19 Q. And you found an article from the Straight Times about  
20 Chiang Rai being the child sex trafficking capital of the  
21 world. True?

22 A. Yes.

23 Q. So it was after those searches, you watched the video,  
24 you made those two searches that's all you did before you  
25 called him on Twitter suspicious and a pedo guy. True?

1 A. Yes.

2 Q. On the -- take a look if you would, Mr. Musk at  
3 Exhibit 62.

4 A. 62, yes, I have it.

5 Q. And my question without discussing it until I tender it  
6 in evidence, you were aware some time after the July 17th  
7 apology tweet, you were aware that an individual named James  
8 Howard with Jupiter Military and Tactical Systems had tried  
9 on two occasions to email you to offer some assistance. That  
10 came to your attention subsequent at some point to July 17th;  
11 right?

12 A. Yes.

13 Q. And those contacts or efforts to contact you by  
14 Mr. James Howard, those are the emails that make up  
15 Exhibit 62; is that right?

16 A. Yes. You're referring to where he says the investigator  
17 says he thinks Mr. Unsworth has skeletons in his cupboard?

18 Q. Yes, I am.

19 A. Yes.

20 MR. WOOD: I tender Exhibit 62 into evidence on  
21 behalf of Mr. Unsworth, Your Honor.

22 THE COURT: Received.

23 (Exhibit 62 admitted.)

24 MR. WOOD: Your Honor, I don't want to be rude to  
25 anybody. I'm going to turn for a minute and spray my throat.

1 Q. Exhibit 62, there's an email from James Howard to Reyna  
2 Ortiz of SpaceX. You see that?

3 A. Yes.

4 Q. James Howard reached out in effort to contact you say  
5 quote, "I'm having difficulty contacting Elon. Could you  
6 pass on the email below? Like Elon, I think that  
7 Mr. Unsworth has skeletons in his cupboard."

8 Have I read that correctly?

9 A. Yes.

10 Q. And the email he was referring to, the email below that,  
11 he was referring to an email he sent from his Jupiter private  
12 office to you @elonmuskoffice @teslamotors.com. You see  
13 that?

14 A. Yeah, that was not to me, though. That is not my email  
15 address.

16 Q. But he thought he was reaching out to you as he  
17 indicated in his subsequent email to Mr. Ortiz; right?

18 A. Yes, but I did not receive that email.

19 Q. Not suggesting one way or the other.

20 A. Okay.

21 Q. But what he wrote was, "Dear Elon. You may wish to dig  
22 deep and look into Mr. Unsworth's past to prepare for his  
23 defamation claim. No smoke without fire. I can discretely  
24 assist and have a team in Bangkok. If you wish to engage me,  
25 please call me. Regards, James Howard."

1 Have I read that correctly?

2 A. Yes.

3 Q. Now, you didn't call James Howard in response to those  
4 emails on the 17th or the 18th or the 19th of July, did you,  
5 Mr. Musk?

6 A. I didn't. I've never spoken with him.

7 Q. Look at Exhibit 36, if you would, Mr. Musk. Do you  
8 recognize that as the email exchange that ultimately resulted  
9 in the nondisclosure agreement being signed by Mr. Birchall  
10 and Mr. Howard on August 15th of 2018?

11 MR. SPIRO: Objection. This isn't in evidence.

12 THE COURT: It isn't in evidence. We have to  
13 follow the format that I directed. So the format is the  
14 witness looks at the exhibit. He tells us -- you ask him if  
15 he recognizes it. Do it that way before we get into the  
16 exhibit itself because you can't ask questions about an  
17 exhibit that's not in evidence. This is not in evidence.

18 MR. WOOD: I apologize. I thought I asked you  
19 whether this was a true and correct copy, but I did not.

20 Let me just ask is there any objection to this?

21 MR. SPIRO: He's not on this email.

22 THE COURT: You know, I have to know. I can't  
23 guess. Is there an objection?

24 MR. SPIRO: Yes.

25 THE COURT: What's the objection? No foundation?

1 MR. SPIRO: No foundation.

2 THE COURT: All right. Sustained.

3 BY MR. WOOD:

4 Q. Did Mr. Birchall eventually enter into an agreement on  
5 your behalf to have James Howard of Jupiter Military Systems  
6 investigate Vernon Unsworth?

7 A. Yes.

8 Q. And is a true and correct copy of the engagement  
9 agreement in Exhibit 36?

10 A. I don't know. I have not seen this before.

11 Q. I'll deal it with Mr. Birchall. Let me ask you this.  
12 Who is James Brickhouse?

13 A. I don't know. Um, I think that may have been an email  
14 that Jared Birchall used. I'm not sure. Yeah, it says  
15 jaredbirchall@gmail.com on behalf of James Brickhouse.

16 MR. SPIRO: Your Honor, the exhibit is not in  
17 evidence.

18 THE WITNESS: Sorry. Okay.

19 BY MR. WOOD:

20 Q. Did you ever realize at any time before August the 28th  
21 that -- did you know that Mr. Birchall was dealing with  
22 Mr. Howard under a false name with essentially a manufactured  
23 fake Gmail email address in the name of Jim or James  
24 Brickhouse. Did you know that?

25 MR. SPIRO: Objection. 404, 405.

1 Mischaracterization.

2 THE COURT: What about compound?

3 MR. WOOD: Why don't I withdraw it and try again.

4 Q. Did you ever discuss with your -- let's go back.

5 Mr. Birchall at the time of this was the manager of  
6 your family office called Excession, LLC. True?

7 A. Yes.

8 Q. That was his primary role.

9 A. That is correct.

10 Q. His background was in finance?

11 A. Yes.

12 Q. But for reasons not related to his skills or his tasks,  
13 he also served as an officer, officially as an officer for  
14 all of your various corporations?

15 A. No, that's not correct.

16 Q. Was he an officer of Tesla?

17 A. No.

18 Q. Was he ever an officer of NeuroLink?

19 A. Briefly.

20 Q. Was he an officer of SpaceX?

21 A. No.

22 Q. Any of your other corporations that he was an officer  
23 for?

24 A. Briefly for Boring Company.

25 Q. So a couple of your companies he serves as an officer

1 for, but for your family business Excession, LLC, he's the  
2 manager, he's the guy; right?

3 A. He manages my family office.

4 Q. All right. And did you in discussions with your family  
5 office manager Jared Birchall, did he tell you that his  
6 dealings with Mr. Howard were all being done under the fake  
7 name and a manufactured Gmail address  
8 jimbrickhouse@jbrickhouse.gmail.com. Did he ever tell that?

9 A. He didn't.

10 Q. So you don't recall before I brought that to your  
11 attention today, it's your testimony that you had no  
12 knowledge from discussions with Jared Birchall that he was  
13 using a fake name and fake email address to deal with the  
14 investigator James Howard. Is that your testimony, sir?

15 MR. SPIRO: Objection asked and answered.

16 THE COURT: He can get another answer if he wishes.

17 THE WITNESS: What point in time are you referring  
18 to? I mean, I'm aware of it now, obviously.

19 BY MR. WOOD:

20 Q. Before today. At any time before today?

21 A. Yes.

22 Q. At any time before Mr. Unsworth filed his lawsuit in  
23 September of 2018, did you have ever have a discussion with  
24 Mr. Birchall in which he disclosed to you that he was dealing  
25 with James Howard under the fake email and fake name of James

1 Brickhouse?

2 A. I don't recall the James Brickhouse thing. He did say  
3 he was taking steps to insure that there would not be some  
4 sort of embarrassing email from him that would hit the press,  
5 uh, so I assume that as a function of that, he was using  
6 James Brickhouse. Although, I mean, this email does state  
7 jaredbirchall@gmail.com on behalf of James Brickhouse so it's  
8 obviously not a very good way to, you know, disguise that  
9 it's him.

10 Q. Well, he couldn't disguise in that email that it was  
11 him. He had to disclose that he was Jared Birchall on behalf  
12 of James Brickhouse because you needed Jared Birchall to sign  
13 the non-disclosure agreement of Excession, LLC as Jared  
14 Birchall to make it legally binding and he signed it. True?

15 A. I don't know.

16 Q. You don't know it's true or not Mr. Birchall signed the  
17 NDA as Jared Birchall, sent it back to Mr. Howard from Jared  
18 Birchall on behalf of James Brickhouse? Because if a fake  
19 person signed the non-disclosure agreement about your family,  
20 it's not binding.

21 A. Sure. No, I was not involved in the details of this  
22 interaction with this guy.

23 Q. I'll move on from that. Mr. Birchall will be here today  
24 or tomorrow. I'll ask him. However they signed the deal,  
25 whether it was an NDA or whatever, you knew that on or about



1 August 15th, you had instructed Mr. Birchall to hire  
2 Mr. Howard; right?

3 A. Uh, I think, yeah, when it became really clear that  
4 there was gonna be a lawsuit filed, it's like okay, well, we  
5 should take this guy up on his offer to investigate and see  
6 what's going on.

7 Q. His original email says that Mr. -- strike that.

8 You didn't do any investigation yourself into  
9 whether James Howard was a real investigator or whether he  
10 was a con man? You didn't check that out yourself, did you?

11 A. I relied upon Jared Birchall, uh, my family office  
12 manager to, you know, I assumed that he had done checks and  
13 Jared had said that this guy worked for a number of prominent  
14 people. So I was like okay, well, let's -- let's see if  
15 there's, you know, see if there's something there.

16 Q. The research if there was any investigation -- you know  
17 what due diligence is, don't you?

18 A. Yes.

19 Q. If there was any due diligence or investigation done of  
20 James Howard to find out if he's a reliable and credible  
21 investigator, you're telling us that would have been done by  
22 Jared Birchall; right?

23 A. Yes.

24 Q. So Mr. Birchall can tell us what he did or did not do.  
25 You don't know.

1 A. I rely upon the executives that report to me to do  
2 diligence as they see fit.

3 Q. You found out in September after the lawsuit was filed  
4 that in fact James Howard as you described him was a con man,  
5 didn't you, Mr. Musk?

6 A. Unfortunately, it turns out we were tricked, yes.

7 Q. And then you knew that he had been given Mr. Birchall a  
8 lot of information that had not been confirmed or verified,  
9 and you found out that all that information when -- you  
10 didn't know whether it was true or not when he gave it to you  
11 or gave to Mr. Birchall, but when you found out he was a con  
12 man, you knew that all the information he had given to  
13 Mr. Birchall was false, didn't you?

14 MR. SPIRO: Objection. Compound.

15 THE COURT: Sustained.

16 THE WITNESS: I knew --

17 THE COURT: There's no question pending.

18 BY MR. WOOD:

19 Q. You learned that any information, any information, when  
20 you learned that James Howard as a con man, that had taken  
21 you for \$52,000, that's what you paid him; right?

22 A. I believe so.

23 Q. When you found out that all the information that he had  
24 given you was either false or was certainly not something you  
25 could rely on since you knew it came from a con man, you let

1 him go. You got rid of him; right?

2 A. I mean, it didn't become apparent he was actually a  
3 professional con man until much later. At first it seemed as  
4 though he was just an investigator who just wanted to keep  
5 working on the case. Uh, well, given that he's a  
6 professional con man, uh, he's quite convincing. Um, so he's  
7 gonna -- he strung us along and wasn't clear what was true  
8 and what wasn't true. It only turned out much later he is in  
9 fact a professional con man.

10 Q. He conned you out of \$52,000.

11 A. Pardon me?

12 Q. Who conned you out of \$52,000.

13 A. Yes.

14 Q. Were you aware, well, were you aware that in August of  
15 2018, that on your behalf, Mr. Birchall under the name of Jim  
16 Brickhouse told Mr. Howard, the con man before he knew that,  
17 that he told him in August of 2018 that he would pay him a  
18 \$10,000 bonus for verified information of nefarious conduct  
19 by Vernon Unsworth? Did you know he was incentivize him with  
20 that bonus, sir?

21 A. I never caught the specifics of the conversation, but  
22 that doesn't sound unreasonable if it's verified information.

23 Q. But if you don't produce the information under that  
24 scenario, you don't get the bonus; right?

25 A. Correct. Verified information, yes.

1 Q. And you know that he never got the bonus because he  
2 never provided any confirmed verified information of  
3 nefarious conduct by Vernon Unsworth. True?

4 A. Yes, true.

5 Q. Now, on August the 28th, take a look at Exhibit 41,  
6 Mr. Musk.

7 MR. SPIRO: Your Honor, there's no objection to  
8 this exhibit.

9 THE COURT: 41 is received.

10 (Exhibit 41 admitted.)

11 BY MR. WOOD:

12 Q. 41 is an email thread where Drew Olanoff @yoda, do you  
13 know who Drew Olanoff is?

14 A. I believe he's a journalist.

15 Q. He tweeted one other thing, Elon. Your dedication to  
16 facts and truth would have been wonderful if applied to that  
17 time when you called someone a pedo. Have I read that  
18 correctly?

19 A. Yes.

20 Q. And then read what you tweeted in response, verbatim.

21 A. You don't think it's strange he hasn't sued me? He was  
22 offered free legal services. And you call yourself @yoda.

23 Q. That was on August 28th of 2019. You raised the idea  
24 that it would be strange that Mr. Unsworth had sued you;  
25 right?

1 A. Yes.

2 Q. Suggesting that if it was a false statement, you would  
3 have expected him to sue you. Sue or true; right?

4 A. I mean, it was just strange, it's odd. He said he was  
5 going to sue me, and then there hadn't been any lawsuit  
6 filed. Uh, it just seemed odd.

7 Q. As of the time that you were writing this on the 29th,  
8 28th of August, you don't think it's strange he hasn't sued  
9 me. He was offered free legal services. And you call  
10 yourself @yoda. You did not know whether or not he had not  
11 sued you, had he, Mr. Unsworth?

12 A. I do not think he had filed a lawsuit at that time.

13 Q. Now, I want to get you to look at this letter for me if  
14 you would. Put up Exhibit 37.

15 MR. SPIRO: No objection.

16 THE COURT: Admitted.

17 (Exhibit 37 admitted.)

18 BY MR. WOOD:

19 Q. Are you familiar with 37, sir? You see that letter?

20 A. Yes.

21 Q. And in essence I told you that I had been engaged by  
22 Mr. Unsworth to -- I had been engaged in connection to  
23 represent his interests in connection with your publication  
24 on Twitter account of false and defamatory statements  
25 conveying that Mr. Unsworth is a pedophile.

1 I said more specifically, you published three  
2 different tweets to your 22 million followers that  
3 Mr. Unsworth engages in sexual exploitation of Thai children.  
4 And you did so at the time he was working to save the lives  
5 of 12 Thai children. You did so without any basis.  
6 Subsequent to a Twitter post. You did so out of anger.

7 Have I read that correctly?

8 A. Yes.

9 Q. And then I say I am in the process of preparing a civil  
10 complaint for libel against you.

11 A. Yes.

12 Q. And the last sentence of my letter to you said the  
13 following. "In an attempt to avoid litigation and to see the  
14 public record corrected, I invite you or your legal  
15 representatives to contact me." Right?

16 A. Yes.

17 Q. My question to you, Mr. Musk, is to tell us whether you  
18 had in fact read that letter of August the 6th before you  
19 tweeted don't you think it's strange he hasn't sued me or you  
20 had not read it? Which is the truth?

21 A. Um, I think I had been told about this letter. I may or  
22 may not have read it. You tweeted this at me; right?

23 Q. I'll get to that next. Yeah, I tweeted it right back to  
24 you when I saw what you said about my client.

25 MR. SPIRO: Objection to that.

1 MR. WOOD: He asked me the question. I was being  
2 polite.

3 THE COURT: I don't want to step into this case any  
4 more than I have to. You all know if I have to, I will. So  
5 don't force me to. Stop the repartee. Let's get the  
6 evidence out as smoothly as we can and let's get to it.  
7 That's an order not a request, not an invitation to a dance.

8 MR. WOOD: Exhibit 876.

9 MR. SPIRO: No objection, Your Honor.

10 THE COURT: Received.

11 (Exhibit 876 admitted.)

12 BY MR. WOOD:

13 Q. Pull up 876. After you had tweeted, you don't think  
14 it's strange he hasn't sued me? He was offered free legal  
15 services and you call yourself @yoda. You with me?

16 A. Yes.

17 Q. And there's my picture.

18 A. Yeah.

19 Q. And I said @Elon Musk should check his mail before  
20 tweeting, and I attached the letter that I had sent to you on  
21 August the 6th.

22 A. Yes.

23 Q. Exhibit 37. True?

24 A. Yes.

25 Q. Before I replied to you and your suggestion that it was

1 strange my client hadn't sued you, had you ever seen my  
2 letter of August the 6th before?

3 A. I don't think I had seen -- I'm not certain of it, but I  
4 do not think I had seen your letter, but I was told about it.  
5 I cannot recall with precision whether I had seen your letter  
6 or not seen your letter before, but I was told about it  
7 before.

8 Q. You testified -- strike that. Did you hire Mr. Howard  
9 or have Mr. Birchall hire Mr. Howard on or about the 15th of  
10 August because you had been told about this letter and knew  
11 about it or because you had read it and knew about it or  
12 neither?

13 A. As I recall, the sort of, I had been told about a  
14 threatening letter, legal letter and that was the reason I  
15 thought we should probably take this investigator up on his  
16 offer to find out what's going on.

17 MR. WOOD: Have just a moment, Your Honor?

18 THE COURT: Yes.

19 MR. WOOD: I want to show you some testimony you  
20 gave under oath Mr. Musk in August 29th at pages 66 to 67.

21 MR. SPIRO: Objection, Your Honor.

22 THE COURT: Is it form?

23 MR. SPIRO: Yes, Your Honor.

24 THE COURT: Sustained.

25 MR. WOOD: Starting at page 67 -- strike that. I'm



1       sorry. I know better.

2       Q.           "Q. Mr. Musk, had you seen my letter of August  
3       the 6th, Exhibit 37? Had you seen it before you engaged  
4       Mr. Howard?

5       A.       I'm not certain if I had seen the actual letter itself,  
6       but I was certainly told about it. The reason for engaging  
7       Mr. Howard was in fact that I was told about your letter.

8       Q.       Now, if you would look at page 67 of your sworn  
9       testimony on August 22nd of 2018 at line 19.

10               THE COURT: To where?

11               MR. WOOD: Line 19 on page 67.

12               THE COURT: To where? To what line?

13               MR. WOOD: Line 19 on page 67.

14               THE COURT: Just line 19 or some other spot in the  
15       deposition?

16               MR. WOOD: Just that line because that's directly.

17               THE COURT: Okay.

18               MR. WOOD: May I proceed, Your Honor? I asked you  
19       this question. You remember being in the office -- well,  
20       actually it's a place in Mr. C's in Beverly Hills where the  
21       deposition was taken in a conference room. Mr. Spiro was  
22       there, I was there, couple of lawyers were there with me,  
23       court reporter was there, and you took an oath to tell the  
24       truth; right?

25       A.       That's correct.

1 Q. And I asked you this letter question. Referring to my  
2 letter of August 6th, Exhibit 37.

3 "Q. And you had this letter and you had seen it  
4 before you engaged Mr. Howard. True?

5 What was your answer under oath on that day?

6 A. That is correct.

7 Q. Now, in fact in the deposition, you described that as  
8 the shake down letter, didn't you?

9 A. That's correct. I interpreted this is essentially a  
10 shake down letter, uh, to yeah. Yeah, extortion essentially.

11 Q. That's the words you told me. You admitted on that day  
12 in your deposition, you didn't know anything about my legal  
13 career except that I represented in this case Mr. Unsworth.  
14 Do you remember telling me that?

15 MR. SPIRO: Objection, Your Honor.

16 MR. WOOD: Strike that.

17 Q. On the 22nd of August, you didn't know anything about my  
18 legal career other than I represented Vernon Unsworth and was  
19 the lawyer that sent you that letter?

20 MR. SPIRO: Objection to form.

21 THE COURT: Sustained.

22 MR. WOOD: May I approach the bench?

23 THE COURT: No. The answer was no.

24 BY MR. WOOD:

25 Q. You describe that letter as a shake down letter.

1 A. That's how it came across, yes. I get these shake down  
2 letters quite a lot.

3 Q. And you described it as a shake down letter from a shake  
4 down lawyer, didn't you?

5 A. Yes, that's what it seemed to me. Certainly, seemed  
6 that way and yes, yes.

7 Q. But other than the fact that I had sent the letter for  
8 Mr. Unsworth, you didn't know anything about my legal career,  
9 did you?

10 MR. SPIRO: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: I didn't know anything about your  
13 legal career. I never heard of you.

14 BY MR. WOOD:

15 Q. But yet you called me a shake down lawyer?

16 A. In my impression was that you had sent me an extortion  
17 letter which it certainly seemed that way.

18 Q. Put 37 back up for me. Where, Mr. Musk, in my letter,  
19 what did I say to you in that letter upon which you made the  
20 accusation that it was an extortion letter?

21 A. Well, obviously, you're a lawyer so you choose your  
22 words carefully.

23 Q. I do.

24 A. Um, and you understand that if you had characterized it  
25 as actual extortion, that would be illegal. So you couch it

1 in nice language, albeit nonetheless, the core truth of it is  
2 extortion. In an attempt to avoid litigation and to public  
3 record corrected, I invite you or your legal representatives  
4 to contact me. I know what that means.

5 Q. Did I make any monetary demand on you on behalf of  
6 Mr. Unsworth?

7 A. Implicit in that is I suspect you do not work for free.  
8 This is not a pro bono case.

9 Q. I thought you said strange he hasn't sued me because he  
10 got free legal lawyers. Which is it? Did you think I worked  
11 for free or you think I was getting paid?

12 A. Oh, I think you're looking for a significant payday,  
13 yes.

14 Q. And the significant payday at least in terms of a dollar  
15 amount, there's no dollar amount in this letter, is there,  
16 Mr. Musk?

17 A. You know you can't say that.

18 Q. Is there a dollar amount in this letter, Mr. Musk?

19 A. There is not a dollar amount.

20 Q. The only thing that I said other than telling you I  
21 represented this man and why, and that I was in the process  
22 of filing a civil complaint for liable, the only thing I said  
23 to you was in an attempt to avoid litigation and to see the  
24 public record corrected, I invite you or your legal  
25 representatives to contact me.

1                   Is that what I said in my letter?

2       A.     Yes, those are the words you used.

3       Q.     And that's the shake down.

4       A.     Yes.

5       Q.     To correct the public record?

6       A.     Yes, that is unequivocally a shake down, yes.   You don't  
7     do things for free very often I suspect.

8       Q.     Nor do you.

9       A.     Actually, I do.

10      Q.     Well, we both work for a living, don't we?

11               THE COURT:   Let's stick with where we are and let's  
12     just constrain ourselves.

13     BY MR. WOOD:

14      Q.     On August the 28th, the same day that you posted the  
15     tweet that said don't you think it's strange he hadn't sued  
16     me, did you and Jared Birchall -- you and Jared Birchall  
17     under the name of Jim Brickhouse, did you authorize a leak  
18     campaign by Mr. Howard, the investigator, to leak damaging  
19     information about Vernon Unsworth to the U.K. tabloid press?

20      A.     I wouldn't characterize it that way.   Jared asked me if  
21     we have evidence, what should we do with it?   I said if we  
22     have facts that are accurate and we're sure of it, then we  
23     should make sure the record, you know, that the record  
24     reflects that.

25      Q.     Take a look at Exhibit 66, Mr. Musk.   The question is

1 did you authorize along with James Brickhouse also known as  
2 Jared Birchall to immediately move forward with leaking  
3 information to the U.K. press about Mr. Unsworth?

4 MR. SPIRO: Objection. Improper foundation. He  
5 hasn't even asked this witness to identify --

6 MR. WOOD: I'm not asking about the document.

7 THE COURT: I took it to be a question irrespective  
8 of this exhibit. Am I correct?

9 MR. WOOD: You're correct.

10 THE COURT: So he can answer the question and if he  
11 turns to the exhibit, he'll have to lay a foundation.

12 BY MR. WOOD:

13 Q. Can you answer my question, Mr. Musk?

14 A. Sorry. Can you say that again?

15 Q. My question was did you on or about August 28th of 2018  
16 inform Mr. Howard that you wanted him to immediately move  
17 forward with leaking information about Vernon Unsworth to the  
18 U.K. press?

19 A. I would not characterize it that way. The conversation  
20 that I recall with Jared Birchall aka James Brickhouse, uh,  
21 was that if we have information that is, uh, accurate and  
22 verified that we should make sure the record is corrected or  
23 that information is -- that information is known if it is  
24 salient and relevant and verified.

25 Q. And you have already told us as of August 28th none of

1 the information Mr. Howard had provided you had been verified  
2 confirmed or known to be accurate; true?

3 MR. SPIRO: Objection to form. Compound.

4 THE WITNESS: I'm not sure --

5 THE COURT: Wait a second. There's not a question  
6 pending. Ask that question again.

7 MR. WOOD: I'll try.

8 Q. As of August the 28th, 2018, you had not received as you  
9 told me earlier, any information from Mr. Howard the  
10 investigator that had been confirmed or verified as accurate.  
11 True?

12 A. I was not, it's difficult to remember these exact dates,  
13 but yeah, there was -- he claimed to have verified  
14 information, but he had presented evidence of that  
15 verification to Jared, and I had not seen any of it. So he  
16 did claim that he had verified information, but we had not  
17 seen evidence of the verification.

18 Q. I want to make sure I'm very clear and understand you.  
19 Are you testifying that Mr. Birchall told you that Howard  
20 claimed to have verified information?

21 A. That is correct.

22 Q. Jared Birchall told that to you?

23 A. My recollection is that Jared Birchall told me that this  
24 investigator claimed to have verified information, but his  
25 claim to have verified information does not mean it is

1 verified.

2 Q. I thought you said the investigator represented it as  
3 verified as to Mr. Birchall.

4 A. Yes, that's my understanding.

5 Q. That's what I want to make sure.

6 A. My understanding is the investigator claimed that the  
7 information was verified.

8 Q. To Mr. Birchall?

9 A. Yes. My response to Mr. Birchall was that we should  
10 request copies of the evidence so that we know that it is in  
11 fact true. Um, the point at which we stopped using the  
12 investigator was when he was unable to provide us with  
13 verification of what he was claiming, and then it's like this  
14 does not sound right so we stopped using him.

15 Q. Did you know, Mr. Musk at the time you watched  
16 Mr. Unsworth's interview on CNN, did you know whether or not  
17 he had a girlfriend?

18 A. As I testified earlier, I did not know him at all.

19 Q. So the question of not -- did you ever learn, did you  
20 ever learn that Mr. Unsworth and his wife had separated in  
21 2007, Vanessa?

22 A. I learned that only in the course of this lawsuit, uh,  
23 so really a few months ago.

24 Q. And did you learn also in 2011 that Mr. Unsworth had met  
25 a young woman named Tik, age 32, at a coffee shop in London



1 and she was from Thailand? Did you learn that?

2 A. I learned that a few months ago.

3 Q. And then you learned a few months ago her name was Tik?

4 A. Yeah, yes.

5 Q. And that at the present time, you learned that Tik is  
6 40 years old or 41 now 2019?

7 A. Yes. I'm not -- yes. I don't know her age actually.

8 Q. You never had anybody -- Mr. Birchall never gave you any  
9 information about Tik's age apparently because you just said  
10 you had never been told about her age; right?

11 A. I don't know what her age is. Uh, the con man  
12 investigator told us that he met his girlfriend at age 12  
13 which sounded obviously not good.

14 Q. No. You're telling me, who told you that? Mr. Birchall  
15 as Mr. Brickhouse had been told by Mr. Birchall that  
16 Mr. Unsworth had met Tik when he met her or married her?

17 A. This is last year. I'm concerned that we're jumping  
18 around across a lot of dates, this may be difficult. I think  
19 it's difficult for someone who is really looking at the  
20 evidence to follow. I think very difficult for the jury to  
21 follow.

22 Um, last year when the con man investigator was  
23 doing his stuff, he told Jared Birchall that he had met his  
24 girlfriend at age 12 which sounded pretty bad.

25 Q. It's also now based on what you know that was absolute

1 falsity. She was 32; right?

2 A. Yes.

3 Q. On August -- do you remember a reporter named Ryan Mac  
4 at Buzz Feed News trying to reach out to you by email on  
5 August 28, the 29th to find out whether you had received my  
6 letter of August 6th or not? Do you remember him doing that?

7 A. Yes.

8 Q. Would you look at Exhibit 42?

9 MR. SPIRO: Your Honor, on this exhibit may we  
10 approach?

11 THE COURT: Okay.

12 (Following proceedings were held at side bar:)

13 MR. SPIRO: The Court made a very specific ruling  
14 so that email goes on and on for multiple chains. I don't  
15 want it published until we edit it, talk about it. I don't  
16 want the jury to see it. I don't want the witness to see it.  
17 There are additional exhibits which are not in. The Court  
18 ruled that two emails are in. The aftermath shows the whole  
19 publication of the article and everything.

20 THE COURT: But the emails I'm aware of were part  
21 of our pretrial motion. Were these emails where Musk  
22 castigated the reporter for protecting pedophiles, and then  
23 he went on to say some things which might or might not be  
24 construed as his confirming his view about Unsworth, you  
25 know, as a pedophile? That's the part I remember. That's

1 one page.

2 MR. SPIRO: Exactly. We put another exhibit on the  
3 list consistent with the Court's ruling.

4 THE COURT: What do we have now?

5 MR. SPIRO: This exhibit list shows the whole back  
6 and forth regarding whether or not the article should be  
7 published. Don't publish the article. The Court's order is  
8 very specific on two emails.

9 THE COURT: Say it again. I understand the part  
10 we've already discussed, but what's the sum and substance of  
11 this email chain? What is going on?

12 MR. SPIRO: It starts with Ryan Mac and him having  
13 one email. The Court ruled it comes in, and then the email  
14 just described fucking asshole, excuse my language, that  
15 email the Court just described. That is the sum total of  
16 what the Court has ruled is admissible. After that it gets  
17 into the whole what's going to be published, not published,  
18 what are we publishing.

19 THE COURT: Who is asking this? Is this Musk  
20 asking him to be published? Let me hear from you.

21 MR. WOOD: First of all, there was no objection  
22 lodged to this trial exhibit.

23 MR. SPIRO: There was a whole pretrial --

24 MR. WOOD: This does nothing more than establish  
25 what he's already testified to. Mac reached out to him for

1 comment on whether he had received my letter or not. He made  
2 three attempts.

3 THE COURT: I saw that.

4 MR. WOOD: Then in response that's when he gave Mac  
5 the August 30th emails that Your Honor has allowed into  
6 evidence to show Musk's state of mind.

7 THE COURT: So the only email that is in addition  
8 to the ones we discussed is the Mac email to Musk asking him  
9 whether he received the August 6th letter from you; is that  
10 right?

11 MR. SPIRO: No, Your Honor. It goes way further.

12 THE COURT: Let me address the jury. If you want  
13 to take five minutes, that would be helpful to us. Walk down  
14 the hall, stretch your legs, but very short.

15 (Recess taken.)

16 THE COURT: The jury might be curious as to why  
17 lawyers have to walk around the periphery and not in the well  
18 of the courtroom. It stems from yesteryear when if the judge  
19 made a bad decision, he would often be attacked and he would  
20 be attacked frontally. So in order to protect the judge,  
21 everybody has to walk around the periphery so I have room to  
22 defend myself.

23 MR. WOOD: That goes under the learn something new  
24 every day.

25 Q. Mr. Musk, the clerk has handed you what's been marked as

1 Exhibit 933?

2 THE COURT: Received. That would be  
3 Plaintiff's 933. It doesn't make a difference. It's marked  
4 from the defendant's book.

5 (Exhibit 933 admitted.)

6 MR. WOOD: A redacted copy.

7 Q. Mr. Musk, are you familiar with that email?

8 A. Yes.

9 Q. When I asked you right before we had the break to sort  
10 out the document, if you remember reporter Ryan Mac from  
11 BuzzFeed News trying to reach out to you on email on  
12 August 28th or 29th about whether you had received my letter  
13 of August 6th or not. Remember me asking you that a minute  
14 ago?

15 A. Yes.

16 Q. You told me you do remember that. Now, if you look at  
17 Exhibit 933 and working back to the first email which is the  
18 last one on the exhibit, you see where Mr. Mac wrote you on  
19 August 29, 2018 at 7:40 a.m.?

20 A. Uh, yes.

21 Q. Hi Elon. Ryan from BuzzFeed News here. We're reporting  
22 a story about you receiving a letter from the lawyer  
23 representing British diver Vernon Unsworth. The letter dated  
24 August 6th was sent to your Los Angeles home and discusses  
25 potential legal proceedings against you for liable. Given

1 the Twitter conversation yesterday, I was hoping you could  
2 talk about the letter and whether you had seen it yet. I'm  
3 happy to chat on the phone if you want to call me.

4 Have I read that correctly?

5 A. Yes.

6 Q. And then you responded and you said, "Have you actually  
7 done any research at all? For example, you incorrectly state  
8 that he is a diver which shows that you know essentially  
9 nothing and have not even bothered to research basic facts."

10 Did you write that back to Mr. Mac?

11 A. Yes.

12 Q. And then Mr. Mac said back to you, "Hey, Elon. Thanks  
13 for getting back. Actually, he prefers to be called a  
14 spelunker and we confirmed that he actually does do cave  
15 diving, but do you have any comment on the letter you  
16 received. Is that what he wrote back to you?

17 A. Yes.

18 Q. And then he wrote you a second time the next day on  
19 August 30, 2018. Without having heard from said hey, Elon.  
20 Just wanted to make sure I did my due diligence to research  
21 basic facts and follow-up here. Thanks. Did I read that  
22 correctly?

23 A. Yes.

24 Q. And then you wrote him back, didn't you, sir?

25 A. Yes.

1 Q. In an email where you said off the record, read it with  
2 me and see if I get it right. I suggest you call people you  
3 know in Thailand. Find out what's actually going on and stop  
4 defending child rapists you fucking asshole.

5 Is that what you wrote him back?

6 A. Yes.

7 THE COURT: Just read the part and don't stop and  
8 ask those questions.

9 BY MR. WOOD:

10 Q. What was the last sentence you wrote to him on that  
11 email of August 30th, 2018?

12 A. You want me to read that?

13 Q. If you don't mind, read the last paragraph, two-sentence  
14 paragraph, starting with as for this. What was the last  
15 statement you made to him in that email?

16 A. As for this alleged threat of a lawsuit?

17 Q. Yes.

18 A. Which magically appeared when I raised the issue, I  
19 don't think it was raised beforehand. I fucking hope he sues  
20 me.

21 Q. Now, the threat of the lawsuit which magically appeared  
22 was reference to my threat in the letter of August the 6th,  
23 wasn't it?

24 A. I think it was.

25 Q. Which you said appeared when I raised the issue.

1 Remember you said don't you think it's strange he hadn't sued  
2 me? And I relied @Elon Musk check your mail before you  
3 tweet. Is that what we're talking about when you raised the  
4 issue?

5 A. I guess so.

6 Q. And then you said to him nothing was sent or raised  
7 beforehand. That's your statement to him on August 30, 2018,  
8 sir?

9 A. Yes.

10 Q. And then you finished up your email with him when you  
11 say he, you're talking about Vernon Unsworth. You finish it  
12 up by saying I hope he, Vernon Unsworth, I fucking hope he,  
13 Vernon Unsworth, sues me. That's the way you finished the  
14 email to Mr. Mac?

15 A. I guess be careful what you wish for.

16 Q. Right. Because that wish came true on September 17,  
17 2018 when on behalf of Vernon Unsworth, I filed a defamation  
18 lawsuit against you in this court in Los Angeles, California  
19 where you reside. True?

20 A. Yes.

21 Q. When you -- you filed -- do you recall filing a sworn  
22 declaration in this court under oath on September 15th of  
23 2019?

24 A. The deposition?

25 Q. No, a declaration after the deposition.



1 A. Sure, yes.

2 MR. SPIRO: May we approach, Your Honor?

3 THE COURT: Okay.

4 (Following proceedings were held at side bar:)

5 MR. SPIRO: I can assure the Court with very few  
6 exceptions about this same issue. Obviously, the declaration  
7 has the other part of the case that's been removed so I don't  
8 know where this is going.

9 THE COURT: What other part of the case?

10 MR. SPIRO: What happened after August 30th.

11 THE COURT: You mean the BuzzFeed? You want me to  
12 give some form of limiting instruction?

13 MR. SPIRO: My understanding again this was not  
14 shown to the jury.

15 THE COURT: What's not shown to the jury.

16 MR. SPIRO: Anything that happens in violation of  
17 the Court's ruling. I would like a limiting instruction  
18 given to them. This case is about the tweet.

19 THE COURT: Well, they do know that, but I will  
20 briefly remind them again.

21 MR. WOOD: This is his sworn declaration.

22 THE COURT: What does he say?

23 MR. WOOD: This is the sworn declaration he filed  
24 where he claims that the tweet of July 15th only meant  
25 creepy, old man in looks and appearance.

1 THE COURT: You can ask him about that.

2 (Side bar concluded.)

3 THE COURT: Members of the jury, let me make a  
4 brief statement to you all. I'll expand on it when I give my  
5 final jury instructions to you, but as you have heard, at  
6 least thus far, the alleged defamatory statement is that  
7 July 15th tweet. So that is the focus of the defamation  
8 statement.

9 You have heard evidence and will continue to hear  
10 evidence about other tweets, other conversations and so  
11 forth. I'm allowing those other tweets in evidence because  
12 they may or may not, based upon how you assess them, shed  
13 some light on the July 15th tweet. That is whether it was  
14 defamatory or whether it was malicious or other things. That  
15 will be the subject of jury instructions later on.

16 I just wanted to clarify, not that you should not  
17 consider these other tweets and other evidence, but the focus  
18 of the case is the July 15th tweet. The other evidence that  
19 you're hearing is only relevant insofar as it affects that  
20 tweet. I hope I make myself clear. I did the best I could.  
21 I'll try to do better later on, but that suffices for now.

22 MR. WOOD: Thank you, Your Honor.

23 Q. Mr. Musk, I want ask you about the July 15th tweet not  
24 what you wrote Mr. Mac. We covered that on August 30th.

25 With respect to your July 15th tweet, you filed a

1 declaration in this lawsuit under oath on September 16th of  
2 2019 where you said in Paragraph 28 by referring to  
3 Mr. Unsworth as pedo guy, I did not intend to convey any  
4 facts or imply that Mr. Unsworth had engaged in acts of  
5 pedophilia. "Pedo guy" was a common insult used in South  
6 Africa when I was growing up. It is synonymous with creepy  
7 old man. It was used to insult a person's appearance and  
8 demeanor not accuse a person of acts of pedophilia.

9 Do you remember making that statement under oath  
10 about your July 15th tweets in September 2019 after this  
11 lawsuit was filed?

12 A. Yes.

13 Q. In any precise words, Mr. Musk, you got three tweets.  
14 Can you point us to the words, not what you say you meant to  
15 say or say you meant to say, but what you wrote? Can you  
16 point --

17 THE COURT: You know something? I'm going to  
18 interject here. You're in my view now arguing. You can  
19 argue later on. The stage we're in right now is to develop  
20 the evidence so that you can make a full and fair argument  
21 when you have the opportunity. I'm sustaining my own  
22 objection to that question.

23 MR. WOOD: I apologize, Your Honor.

24 THE COURT: And I can't be overruled except by a  
25 higher court.

1 MR. WOOD: Agreed and I so respect your opinion. I  
2 didn't mean to argue. It's cross-examination. I went cross  
3 a little bit too much maybe.

4 Q. Mr. Musk, is there any word that you wrote in any of  
5 those tweets on July 15th that uses the word creepy?

6 THE COURT: It's the same thing. You're arguing.  
7 It is what it is. There's no creepy in here.

8 MR. WOOD: Well, I mean as long as we all agree on  
9 that.

10 THE COURT: I mean how could we not? It is what it  
11 is as the saying goes today.

12 BY MR. WOOD:

13 Q. At any time -- you were aware there was a fair amount of  
14 coverage in the news media that had headlines saying Elon  
15 Musk accuses diver of being pedophile; right?

16 A. I think there was some articles to that effect, but I  
17 mean, there are articles that are, you know, accuse me of  
18 being all sorts of things that aren't true.

19 Q. Well, that would not be related to Vernon Unsworth,  
20 would it?

21 A. I think we agree there.

22 Q. Talking about Mr. Unsworth. Did you ever have anybody  
23 write any of those publications and say I did not call him a  
24 pedophile. I only insulted him by calling him a creepy old  
25 man. Did you ever write anybody and say that?

1 A. Uh, no. I thought it was obvious that I was just  
2 insulting back in response to his insult to me. It wasn't  
3 necessary for him to clarify that he didn't actually mean to  
4 physically sodomize me with a submarine. Uh, likewise, I  
5 didn't think that this pedophile required any clarification.

6 Q. On July 18, 2017 that was your apology tweet; right?

7 A. Yes, I apologized on Twitter and deleted the original  
8 tweets and apologized during deposition. And I'll say it  
9 again, I apologize to Mr. Unsworth.

10 Q. Did you say in your apology tweets, hey, I didn't mean  
11 pedophile or pedophilia. I'm sorry. I only meant to insult  
12 him by calling him a creepy old man. You didn't do that, did  
13 you, sir?

14 A. I think that would have been worse. It's like if  
15 somebody, if you called someone that mother F'er, and then  
16 you say well, I'm sorry. It would actually be quite really  
17 sarcastic and in fact a double insult I did not mean to say  
18 he actually committed incest.

19 Q. That's not what I asked you. I didn't ask you to say he  
20 didn't commit pedophilia. I meant to ask you only when you  
21 apologized, you called him suspicious or suspect pedo guy,  
22 did you take the opportunity to say I only meant that he was  
23 a creepy old man in looks and appearance? You didn't say  
24 that, did you?

25 A. Well, I think that would have been worse. It would

1 sound -- that would sound disingenuous as an apology.

2 Q. Whether it does or doesn't, you didn't offer that up to  
3 public?

4 A. No, I expressed a sincere apology and I think if I  
5 belabored the statement, it would have sounded disingenuous.

6 Q. The first time you ever publically said anything about a  
7 South African childhood insult pedo guy. . .

8 A. I think it's common in more places than South Africa.

9 Q. Judge is not gonna let me debate that with you. I'm  
10 asking the questions. Sir, the first time you, Elon Musk  
11 ever referred to your words of July 15th as being an insult  
12 that you remembered from your child hood in South Africa, the  
13 first time you ever publicly disclosed that information or  
14 claim was in your September 2019 declaration. True?

15 MR. SPIRO: Objection to form and  
16 mischaracterization. Remembered is not what he testified to.

17 THE COURT: There was a lot in that question. Can  
18 you simplify it? I think I know what you're asking. Can you  
19 simplify it?

20 MR. WOOD: Yes, sir. I'll try see and if I can do  
21 it different way.

22 THE COURT: Please try it a different way.

23 BY MR. WOOD:

24 Q. As I understand from your deposition --

25 THE COURT: Let me not correct you because you're a

1 very able lawyer, but if you would just not as sometimes is  
2 referred to as a wind up, just stop the wind up and ask the  
3 question. Your questions are fine. The wind up gets things  
4 complicated. As you said in your deposition, you're asking a  
5 question. Just get to the question.

6 MR. WOOD: I see, Your Honor. Again, sometimes I  
7 have to wind up to make the pitch where I want to go. I will  
8 not do that. I'm doing the best I can.

9 THE COURT: You're doing very well.

10 MR. WOOD: Thank you.

11 Q. Mr. Musk, South African childhood insult, when did you  
12 ever first publicly state that your use of pedo guy and  
13 suspicious was based on a South African childhood insult?  
14 That's my question.

15 MR. SPIRO: Objection. Compound as suspicious.

16 BY MR. WOOD:

17 Q. In connection with the description of pedo guy that you  
18 used on July the 15th, when did you first ever state publicly  
19 that pedo guy referenced a South African childhood insult?

20 A. I think it was mentioned at the deposition, but this is  
21 not some merely obscure South African sort of childhood  
22 thing. This is I think quite common on the Internet. I  
23 think if you did a Google search, you would find many uses of  
24 it in the United States and throughout the world.

25 It's not meant to say that somebody is a pedophile.

1 It's simply that they are creepy. I bet anything if you go  
2 on Google right now, that's what it would show.

3 Q. The first time that you ever publicly used South African  
4 childhood insult, I believe you just told me, was in your  
5 deposition; right?

6 A. I think so, but again, this is I think a question that  
7 is somewhat misleading. It implies it was somehow obscure.  
8 It is not obscure. It's quite common in the English speaking  
9 world.

10 Q. So are you saying what's quite common? The phrase pedo  
11 guy or pedo?

12 A. If you call somebody a pedo guy, it just means creepy  
13 obviously. This is like, I am quite confident that if you  
14 did a search or ask a bunch of people what does this mean, it  
15 just means creepy old dude.

16 Q. So your testimony is that it's commonly known that if  
17 you call somebody pedo guy, that you're referring to them as  
18 a creepy old man in looks and appearance. Is that what  
19 you're telling me?

20 A. Yeah.

21 Q. What is it -- you say that's commonly known across  
22 South Africa from your childhood or across the world or the  
23 United States?

24 A. I think you'll find it's quite common in the English  
25 speaking world.



1 Q. Does it have the same meaning of calling somebody a  
2 pedo?

3 A. It's similar.

4 Q. Well, does it change cause you call them pedo guy?

5 A. Pedo guy is less, uh, it's a frivolous insult. If you  
6 use the word guy, it typically does not add gravitas to a  
7 statement. So pedo guy just means creepy old guy. You know,  
8 just as when he was saying shove where it hurts, obviously  
9 doesn't mean, I assume he was not actually suggesting  
10 sodomizing me with a submarine. They're equivalent insults.

11 Q. So if I understand, if you go up to someone and say, I'm  
12 not putting it in context now. I'm just asking if you say  
13 this to someone, you're a pedo guy, they should immediately  
14 know that you're calling them a creepy old man in looks and  
15 appearance. Is that what you're telling me a pedo guy means  
16 as you understand it?

17 MR. SPIRO: Objection to form. Calls for  
18 speculation.

19 THE COURT: Sustained.

20 BY MR. WOOD:

21 Q. You believe that essentially pedo and pedo guy are the  
22 same thing?

23 MR. SPIRO: Objection. Mischaracterizes the  
24 witness's testimony.

25 THE COURT: Well, the objection is overruled. You

1 can answer.

2 THE WITNESS: I think pedo guy is more clearly just  
3 a frivolous insult than pedo, but I think both could be used  
4 and are used as insults, but not meaning that somebody's  
5 actually engaged in pedophilia. Just like if somebody says  
6 mother F'er, that they don't literally mean that they're  
7 sleeping with their mother.

8 BY MR. WOOD:

9 Q. Would you agree with me that if you said someone was a  
10 pedophile, that takes on a whole different --

11 A. Yeah.

12 MR. SPIRO: Objection. Calls for speculation.

13 THE COURT: Sustained.

14 BY MR. WOOD:

15 Q. When you used the word pedophile, you used the word  
16 pedophile to describe a creepy old man in looks and  
17 appearance?

18 MR. SPIRO: Objection. Same objection.

19 THE COURT: Sustained.

20 MR. WOOD: May I approach the bench on that,  
21 Your Honor?

22 THE COURT: No. You can ask the question a  
23 different way, but I'll sustain the objection as to the way  
24 it was asked.

25 MR. WOOD: May I have brief side bar so I can

1 figure out how to ask it?

2 THE COURT: We've had a number of side bars and we  
3 just have to keep going and ask questions and I'll rule and  
4 we'll get through it.

5 BY MR. WOOD:

6 Q. When you were responding to the various tweets where  
7 people had said that you had called Mr. Unsworth a pedophile,  
8 you remember those?

9 A. I don't.

10 Q. Look at 200 for me, please, sir.

11 A. Yes.

12 Q. Mr. Beaumont on July 15th mistakenly thought you were  
13 referring to a New York Times journalist. He corrected  
14 himself and said you were referring to Mr. Musk (sic).  
15 Here's Elon Musk calling a New York Times journalist a  
16 pedophile. I'm sorry. He's calling the guy who found the  
17 children a pedo. Real classy.

18 A. I think he recognizes that as an insult, that's what  
19 he's saying, and admittedly, this is not classy.

20 Q. So you are saying pedophile, if I say you're a  
21 pedophile, that can be taken as you understood it to be an  
22 insult or statement of fact?

23 MR. SPIRO: Objection, form. Calls for a legal  
24 conclusion.

25 THE COURT: Sustained.

1 BY MR. WOOD:

2 Q. What do you understand pedophilia to refer to?

3 A. Have sex with minors.

4 Q. You would not hire someone you knew to be a pedophile,  
5 would you, sir?

6 MR. SPIRO: Objection.

7 THE COURT: Sustained.

8 MR. WOOD: I'm sorry, Your Honor, but I'm trying to  
9 understand.

10 THE COURT: You know the format is question, answer  
11 and objection and ruling. And if there's something not  
12 clear, we can take it up outside the presence, but we have to  
13 keep going.

14 MR. WOOD: May I do this? May I reserve the right  
15 at the end of the day to raise the issue with you and come  
16 back to it?

17 THE COURT: Here's the point. After Mr. Musk is  
18 finished with your examination which hopefully will be soon;  
19 correct?

20 MR. WOOD: I think probably about 30 minutes or  
21 less.

22 THE COURT: All right. Then maybe not soon. And  
23 then Mr. Spiro will probably examine him. Am I correct?

24 MR. SPIRO: Yes, Your Honor.

25 THE COURT: And he'll take him on direct

1 examination and undoubtedly, you will make an effort at  
2 recross. And anything, any loose ends can be addressed then.  
3 I'd rather keep it going.

4 MR. WOOD: That helps me understand. I didn't  
5 realize that he would direct after my cross.

6 THE COURT: That's usually what happens in my  
7 experience.

8 MR. WOOD: Maybe I do something different in  
9 Georgia. I apologize. I'll wait till that time and do  
10 recross him at that time.

11 Q. Can you describe -- you would describe Mr. Unsworth if  
12 he had been accused of pedophilia and it turned out to be  
13 false, you would describe that as a tragedy, did you not,  
14 sir?

15 MR. SPIRO: Objection. Speculation, form.

16 THE COURT: I mean was that --

17 MR. WOOD: Goes to the extent of damage.

18 THE COURT: All right. He can answer if he can.

19 THE WITNESS: I think it would be not be good.  
20 Obviously, I don't think it's terrible. It's not like -- I  
21 think it would depend on the actual consequences.

22 BY MR. WOOD:

23 Q. I believe you said in your tweets probably caused  
24 unreasonable grief to Mr. Unsworth?

25 A. Yes.

1 Q. Mr. Unsworth was not up to no good, then obviously, this  
2 is a tragic outcome, tragic situation. True?

3 A. Yeah, that this was a case where we did our best to do a  
4 good turn, and then it should just have been, you know, kids  
5 were rescued and that's great, and really shouldn't have been  
6 all this trouble afterwards.

7 MR. WOOD: Your Honor, if I might have 30 seconds  
8 to confer with co-counsel?

9 THE COURT: Yes.

10 MR. WOOD: It's my understanding Mr. Spiro is going  
11 to conduct direct. That would complete my initial  
12 cross-examination of Mr. Musk.

13 THE COURT: Let's start the direct. The format of  
14 the questions will be a little different now because Mr. Wood  
15 was allowed to cross-examine. Now, the witness will be on  
16 direct examination so the questions will not be leading and  
17 it will be stylistically somewhat different. Like I said  
18 it's all about the testimony not about style.

19 MR. SPIRO: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. SPIRO:

22 Q. Good afternoon, Mr. Musk.

23 A. Good afternoon.

24 Q. Mr. Musk, do you understand that as you sit here today,  
25 that the unlawful conduct you're accused of is the pedo guy

1 tweet on July 15th?

2 MR. WOOD: Objection to the form. Unlawful  
3 conduct.

4 THE COURT: Sustained.

5 BY MR. SPIRO:

6 Q. Do you understand that the lawsuit as you sit here today  
7 is about the July 15th tweet?

8 A. Yes.

9 Q. Now, I'm gonna take a step back and start at the  
10 beginning a little bit and we'll go in chronological order.

11 Where were you born?

12 A. I was in born in Petoria, South Africa.

13 Q. And do you have siblings?

14 A. Yes.

15 Q. How many?

16 A. I have a brother, a sister, two half-sisters.

17 Q. Do you stay in touch with your siblings?

18 A. Yes.

19 Q. And when did you leave South Africa?

20 A. When I was 17. Sorry. I had not yet turned 18. It  
21 would be 1989.

22 Q. And before you left South Africa, just very briefly, can  
23 you tell us a little bit about what your childhood was like?

24 A. It wasn't good.

25 MR. WOOD: Your Honor, may I approach?

1 THE COURT: Well, do you have an objection?

2 MR. WOOD: I have an objection.

3 THE COURT: Well, just give me a legal ground.

4 MR. WOOD: Relevancy.

5 THE COURT: Okay. The examiner is allowed to  
6 develop some background information, but there are limits in  
7 that the case is not about biography. So I'll make the same  
8 ruling when it comes to Mr. Unsworth if he testifies. The  
9 jury has a right to know about the person, but we can't get  
10 too far into the weeds.

11 MR. SPIRO: I would expect my whole background to  
12 be five minutes.

13 THE COURT: Well, maybe less.

14 BY MR. SPIRO:

15 Q. Where did you go after South Africa?

16 A. I was in Canada, yeah, I left by myself when I was 17  
17 and landed in Montreal. I travelled around and worked  
18 various jobs.

19 Q. Did you end up coming to United States?

20 A. Yes, after several years. About three years, I think.

21 Q. Did you eventually get married and start a family?

22 A. Yeah.

23 Q. Mr. Musk, can you tell me a little bit about your  
24 children?

25 A. Sure. My twin boys that are 15 and triplet boys that



1 are 13. They're, you know, great kids. I had one son that  
2 died when he was a baby.

3 Q. And which birth order was that, the son passed away?

4 A. He was the first.

5 Q. Just briefly your schooling. Where did you go to  
6 school?

7 A. I went to several schools. I think about six schools in  
8 total.

9 Q. Forgetting South Africa for a second, in the  
10 United States where did you attend school?

11 A. I was at University of Pennsylvania, physics and  
12 economics.

13 Q. And did you start a graduate program?

14 A. Uh, at Stanford in material science studying advanced  
15 energy source techniques for electric vehicles.

16 Q. And that -- how long did that last?

17 A. That lasted for just, well, I went on a few days in the  
18 quarter to work on the Internet.

19 Q. And can you just very, very briefly tell us about your  
20 career before SpaceX and Tesla?

21 A. I started an Internet company. Well, actually,  
22 technically, I first tried to get a job at Netscape, but they  
23 didn't respond so I wanted to help build the Internet. So I  
24 created this company which did the first maps and directions  
25 and Yelp pages and white pages on the Internet called Zip

1 Two.

2 And it also helped bring media companies online so  
3 we did a bunch of work on the New York Times and many other  
4 newspaper websites. We built a lot of back-end technology,  
5 and then with some of the people, we created a company that  
6 people know today as PayPal. And then I started SpaceX to  
7 try to advance the cause of space. Make humanity a space  
8 traveling civilization. And then couple years after that, we  
9 created Tesla, and then a couple years after that Solar City.  
10 These were meant to help with climate change.

11 MR. WOOD: Can we put back up Exhibit 524?

12 THE COURT: Is it in evidence?

13 THE CLERK: I don't believe so, Your Honor.

14 Exhibit 524 placed before the witness.

15 MR. WOOD: I have no objection.

16 THE COURT: Received.

17 (Exhibit 524 admitted.)

18 MR. SPIRO: If we could just put that up on the  
19 screen.

20 Q. Do you recognize this?

21 A. Yes.

22 Q. And what is this?

23 A. Uh, this was when -- one of the tweets that asked me to  
24 help with the rescue of the boys in Thailand.

25 Q. And what did you say?

1 A. I said that I suspect that the Thai government has this  
2 under control, but I'm happy to help if there's a way to do  
3 so.

4 Q. Why did you get involved?

5 A. Uh, at first I thought this would be something that they  
6 would be able to handle no problem, uh, but then when one of  
7 the Thai Navy SEALs died swimming in the cave that seemed  
8 like wow, this is pretty hard core. And there was news that  
9 there was a monsoon coming, that the monsoon would flood the  
10 caves, and if the monsoon arrived before the boys were taken  
11 out, they would drown for sure. So I thought we should try  
12 to help out.

13 MR. SPIRO: Your Honor, are we gonna be able to go  
14 past 5:00 or should I expect to stop?

15 THE COURT: I told the jury we would end at 5:00.  
16 Is that when you want to go home? We'll end at 5:00 because  
17 it's your first day and you're just getting into it.  
18 Tomorrow we may go to 9:00 or 10:00.

19 MR. SPIRO: Then I'll quickly show Exhibit 540 to  
20 the witness.

21 MR. WOOD: No objection Your Honor.

22 MR. SPIRO: Offer that.

23 THE COURT: Received.

24 (Exhibit 540 admitted.)  
25

1 BY MR. SPIRO:

2 Q. Who is Chris Bowman?

3 A. Uh, he's an engineer in the SpaceX launch group.

4 Q. Can you please read to the jury what you said to Chris  
5 Bowman?

6 A. I said please get there immediately. Don't wait for the  
7 geologist. Need a trusted engineer there now who can track  
8 down answers to technical questions. We'll then gather  
9 needed equipment in the U.S. and fly there tonight. That is  
10 about 12 hours from now. I'm told there is a monsoon coming  
11 and kids could get drowned in a few days. Don't know if  
12 that's true. Don't know what's true, but not much point in  
13 arriving an hour after they're dead.

14 Q. And then Exhibit 15.

15 MR. WOOD: I'd have to approach the bench about  
16 this exhibit, Your Honor.

17 THE COURT: Pass on that.

18 BY MR. SPIRO:

19 Q. Were you in touch with a man named Rick Stanton?

20 A. Yes.

21 Q. And what was your understanding of his role in rescue at  
22 that time?

23 A. My understanding he was the lead diver in the rescue  
24 attempt.

25 Q. And did you continue interacting with him during the

1 course of your and SpaceX's and the other engineers working  
2 on this solution?

3 A. Uh, yes, we were interacted with him extensively and  
4 with other people who had been in the caves, other divers,  
5 but primarily with Stanton.

6 Q. And putting aside the rescue pod sub for a second, what  
7 other plans and resources did you bring to bear to try to  
8 assist?

9 A. We also sent -- they had a lot of problems with power so  
10 we sent, uh, I think we sent 20, probably 20 or 30 engineers  
11 to help with the power system, make sure the pump is running  
12 well. We sent battery packs and just electrical equipment in  
13 general to help with pumping water out of the cave.

14 We also looked at possible boring solutions that  
15 could bore down to where the cave was, but we concluded that  
16 could not be done in time. So it was basically just  
17 generally helping with engineering assistance, electrical  
18 power and making sure the pumps worked.

19 Q. Were you compensated at all for your involvement?

20 A. No.

21 Q. Did you sit for media interviews?

22 A. No.

23 MR. SPIRO: Can we play Exhibit 14?

24 (Exhibit 14 played.)

25 THE COURT: This exhibit doesn't seem appropriate

1 at this time.

2 BY MR. SPIRO:

3 Q. You testified earlier about how you were greeted by the  
4 Thai prime minister escorted to the cave and brought in by  
5 the Navy SEALs. Did I understand that?

6 A. That's correct. I did not ask for any government  
7 reception. The prime minister wanted me to see me and I  
8 could not refuse so I sent my team ahead and met with him.

9 Q. And did you eventually go to the cave?

10 A. As soon as the meeting was over, yes.

11 Q. And did the Thai prime minister or the Navy SEALs tell  
12 you you had to leave the cave?

13 A. No, they were extremely welcoming.

14 Q. When Mr. Unsworth said that on CNN, was that a lie?

15 A. Yes.

16 MR. SPIRO: Your Honor, given that it's 5:00, I  
17 would ask to resume tomorrow.

18 THE COURT: All right. Members of the jury, again,  
19 the admonition. Don't listen or view anything about this  
20 case. There probably will be something about it, but ignore  
21 it as I will, and don't access the Internet or make any  
22 effort to uncover things that you don't hear in this  
23 courtroom. This is what counts. This is what you're to  
24 digest and analyze.

25 And you haven't heard it all so there will be more

1 testimony tomorrow and hopefully, we'll make more progress  
2 tomorrow. Today we had the jury selection and opening  
3 statements and tomorrow we'll just begin with testimony. We  
4 all appreciate your efforts. I look at you from time to  
5 time, not too much because I don't want to make you  
6 uncomfortable, but I do notice that you're very attentive.  
7 That's appreciated by all the parties.

8 One more note. We can't begin tomorrow until  
9 you're all here. If someone gets stuck on the freeway, we  
10 have to wait. We can't start with seven or eight. And if  
11 some get to the jury room before others, don't talk about the  
12 case to each other. So make a special effort because the  
13 freeways are very unpredictable. I know I have that issue  
14 myself and set the alarm clock or whatever you use a little  
15 early so we can get a good start and make progress. Okay?  
16 Thank you.

17 (Jury not present.)

18 THE COURT: You may be seated.

19 Just before we recess, let me use these few moments  
20 to try and expedite things tomorrow. There were a few things  
21 that came up that we hadn't fully addressed. I notice one  
22 was Exhibit 15. What is that about? Someone mentioned 15.  
23 Did I get that wrong?

24 MR. SPIRO: No. Exhibit 15 is the emails between  
25 Rick Stanton and Mr. Musk. And it's Rick Stanton tells

1 Mr. Musk what form the pod should take, the size of the pod.

2 THE COURT: Any objection to that?

3 MR. WOOD: No, Your Honor. We're bringing  
4 Mr. Stanton tomorrow.

5 THE COURT: So if you want to introduce that  
6 through Mr. Musk, if you can lay a foundation for it, okay.  
7 If he saw those emails, then he can testify.

8 There was an issue that Mr. Wood raised that  
9 concerned him. Is that still a matter of concern? If it is,  
10 let's try and discuss it now so we don't have a delay  
11 tomorrow. I thought there was something that was of concern  
12 to you. Maybe I'm wrong.

13 MR. WOOD: No, Your Honor. I recall asking the  
14 right to -- well, actually, I thought the issue that I wanted  
15 to reserve we resolved when I learned that he was gonna do  
16 direct and I had recross.

17 THE COURT: Is there anything that the parties want  
18 me to think about overnight so I can get a head start on  
19 rulings?

20 MR. SPIRO: Two issues from the defense. One is we  
21 put in one of our pretrial memorandum to the Court the issue  
22 with ambiguous deposition testimony that's now being used.  
23 That was responsive to one context, and we're living in an  
24 alternative universe.

25 THE COURT: I missed the whole thought. Can you



1 break it down for me?

2 MR. SPIRO: Sure. At the time of the deposition,  
3 the case was about two different things so the questions  
4 involved two different things.

5 THE COURT: Two different things meaning BuzzFeed  
6 and July 15th tweet?

7 MR. SPIRO: Yes. There's a tendency for me not to  
8 speak of the unmentionable. So the questions, some of which  
9 Mr. Wood asked, which I'm going to asking the Court to  
10 strike, involve questions that have to do with reactions to  
11 the entire, um, circumstances and -- and different things  
12 that are -- that are not applicable given the framework we're  
13 existing in.

14 THE COURT: I did allow the plaintiff to get into  
15 some post-event or post-July 15th tweet circumstances because  
16 we had a pretrial motion and my view was that the case law  
17 supported that. At some point all these things have to be  
18 relevant to a number of things. One, they have to be  
19 relevant with regard to the July 15th tweet to whether  
20 Mr. Musk used reasonable care with regard to the punitive  
21 damage issue or whether he was malicious.

22 And then I guess the subset is that assumed damage  
23 requirement which is slightly different than reasonable care.  
24 I can't call it up right now. It's a slightly different  
25 standard. It's the mere times malice standard. So all these

1 have to dovetail to one of these things.

2 And the way I'm listening to the evidence, and  
3 there are limitations on how much I can covenant because I  
4 can't structure the trial as a script, but it seems some of  
5 the testimony is with regard to why Mr. Musk didn't make a  
6 more complete apology. He had opportunities down the road.  
7 I'm not assessing things. I'm just telling you what I  
8 thought the plaintiff was getting at and, you know, it goes  
9 to the genuineness of his apology.

10 That goes to how the jury could or could not view  
11 damages, what kind of damage, and then some of the questions  
12 were designed to show that the word or term pedophilia was  
13 actually used and so forth. And perhaps why he didn't at  
14 that time make some comment about that he was referring to  
15 pedo guy or some such thing.

16 I mean, I'm not in your position. I don't know  
17 your cases the way you do, but that's just my rough  
18 assessment of where things are going. So, you know, some of  
19 it seemed a little remote, but it seemed ballpark so far.

20 MR. SPIRO: I totally hear and appreciate the  
21 Court's guidance. The one thing that I do want to alert the  
22 Court to is that sometimes the deposition testimony relates  
23 to the second act that's not in the case.

24 THE COURT: Well, give me an example.

25 MR. SPIRO: Sure. Unreasonable grief, tragic,

1 words like that are done in a deposition in a completely  
2 different context. Mr. Musk at the time thought perhaps, I  
3 don't want to get in a whole argument here, that Mr. Unsworth  
4 was harmed by that article, didn't want that article.

5 THE COURT: I lost you. I have to get this  
6 straightened out. The question was asked about Mr. Musk and  
7 whether he felt Mr. Unsworth was experiencing this grief,  
8 you're saying that in the deposition that was with regard to  
9 the BuzzFeed article?

10 MR. SPIRO: Correct. It's a combination of the  
11 events. It's not just based on -- I don't think Mr. Musk  
12 would testify under oath at any point that he thought his  
13 deleted, messing around tweet was causing anybody grief.

14 THE COURT: What was the precise question?

15 MR. SPIRO: You have to look at 20 pages and see  
16 the context. It's not as if he said, and just as I'm talking  
17 cause at the time the case was two parts. So the question is  
18 not precise enough. And it's our position --

19 THE COURT: Then why don't you develop that on your  
20 examination of him now?

21 MR. SPIRO: Because it's our view and we did cite  
22 cases in our pretrial memorandum that if the plaintiff, and  
23 again, I'm not trying to restart this, changes their theory  
24 and they depose people under one theory that the ambiguity in  
25 the question can't be used as an advantageous weapon now

1 given the fact that --

2 THE COURT: I mean the question was, I mean, I  
3 can't remember it exactly, but it was, well, give me the  
4 question. Let me hear the question and answer. Do you  
5 remember what you said?

6 MR. WOOD: I think I asked him about --

7 THE COURT: How did you ask the question and what  
8 was the response? I don't remember exactly.

9 MR. WOOD: I could look at it. I don't remember  
10 exactly, but may I make --

11 THE COURT: No, I want to address this now. Just  
12 one moment. Maybe somebody knows.

13 MR. WOOD: The I think I asked him if all this  
14 turned out to be untrue, oh, I think I said something along  
15 the lines of what happened to him would be a tragedy.

16 THE COURT: It was vague.

17 MR. WOOD: I was trying to be vague and not tie it  
18 to anything.

19 THE COURT: Now I see what Mr. Spiro is saying. It  
20 didn't register with me at the time and because keeping it  
21 vague doesn't focus on the July 15th tweet. I mean he  
22 could -- go ahead.

23 MR. SPIRO: If you just look, it's plain as day.  
24 If you look at the transcript --

25 THE COURT: What page?

1 MR. SPIRO: The deposition transcript at page 254.

2 THE COURT: How far back do I have to read get the  
3 context?

4 MR. SPIRO: It's simply he was not -- the  
5 investigator was not being truthful; right? So you're way  
6 past the July 15th tweets. And so the result as it relates  
7 to Mr. Unsworth; true? This is a very regrettable situation.

8 THE COURT: So here's what I'm getting from what  
9 you just read. That the question is the fact that the  
10 investigator was not truthful was hurtful to Mr. Unsworth,  
11 and you're saying that that's not the damage question that's  
12 at issue. Is that what you're saying?

13 MR. SPIRO: And so the result is tragic as it  
14 relates to Mr. Unsworth.

15 THE COURT: What result?

16 MR. SPIRO: The result of the investigation.

17 THE COURT: Well, I'll have to consider that in  
18 terms of -- I'll consider it as a motion to strike.

19 MR. SPIRO: Right. So those questions, I can't  
20 stand up and object because then it creates this issue --

21 THE COURT: Let me hear the position of Mr. Wood,  
22 and then I'll read the transcript overnight and give you a  
23 ruling.

24 MR. WOOD: Two points. I now have had my  
25 co-counsel point out my question. My question was talking

1 about the fact that he had suffered a lot of grief, probably  
2 caused unreasonable grief that I characterized as tragic.  
3 And that testimony in his deposition is directly related to  
4 the July 15th tweets.

5 If I might, Your Honor, if I wanted to play fast  
6 and loose with this Court which I would never do, Elon Musk  
7 testified in his deposition and we saw it in the summary  
8 judgment motion --

9 THE COURT: You know something? I can't make a  
10 ruling until I read the deposition. Tell me what pages of  
11 the deposition you want me to read.

12 MR. WOOD: I'd read page 100. 99. I'm sorry. 98  
13 through 100.

14 THE COURT: What pages do you want me to read?

15 MR. SPIRO: At least 254, 255 and, again, I'm  
16 talking about the word tragedy. I think the Court will see  
17 that it's clear the tragic outcome was that the  
18 investigator's untruthfulness lead to the publication of the  
19 article that at the time before Mr. Musk saw all the evidence  
20 in this case, he believes to be a tragic outcome.

21 And I would just remind the Court that we did  
22 submit some case law in that memorandum on this issue of  
23 ambiguity in deposition transcripts and we would be moving to  
24 strike. The final issue for the Court was just that we would  
25 ask that we receive the witness order for tomorrow.

1 THE COURT: Who are the witnesses gonna be  
2 tomorrow?

3 MR. WOOD: I haven't had a chance to figure it out.

4 THE COURT: Come on. Tell him who they are. Who  
5 are the witnesses gonna be? You know who they're going to  
6 be.

7 MR. WOOD: I have Jared Birchall. Are you gonna  
8 bring Arnold or am I gonna play a portion of his deposition?

9 MR. SPIRO: Not my case.

10 MR. WOOD: If I try to play a portion of his  
11 deposition, are you gonna contend he's within the subpoena  
12 power and therefore I can't play it?

13 MR. SPIRO: No.

14 MR. WOOD: Fine. We'll play it. Portions of  
15 Arnold's deposition. Birchall, Arnold, Rick Stanton, Martin  
16 Ellis, Vernon Unsworth. If I get through all that tomorrow,  
17 I think I'd be doing pretty good.

18 THE COURT: Here's the thing. Once we get through  
19 with Mr. Musk, I'm giving both sides a lot of latitude, but  
20 once we get through with Mr. Musk, I expect the questions to  
21 be more direct. And understanding he's the focus of things,  
22 Mr. Unsworth, may be, you know, lengthy or more lengthy, but  
23 these other witnesses should be, you know, more to the point.  
24 Birchall, I realize has something to say.

25 MR. SPIRO: Just as to this, we brought this up

1 very early on before Your Honor at the first pretrial  
2 conference. Your Honor inquired of the plaintiff why do you  
3 need somebody from the rescue? I made the point I believe it  
4 to be bolstering. I don't know how it's not bolstering and  
5 cumulative to have two people, but then call two people  
6 back-to-back on the rescue in Thailand. Neither of whom have  
7 been deposed in this case.

8 THE COURT: Now, who is the other person?

9 MR. SPIRO: Rick Stanton and Martin Ellis.

10 THE COURT: Well, it may be, but I mean, even  
11 though the rescue itself is not specifically what the case is  
12 about, it has become, you know, somewhat of the focus because  
13 of the fact that the defendant, for example, has raised the  
14 point that Mr. Musk was chagrined by his efforts -- by the  
15 comments about his efforts and that was part of why the  
16 July 15th tweet occurred.

17 So I mean to the extent that he made those efforts,  
18 they're at least relevant to way presenting your case. But  
19 with regard to the mechanics of the rescue, I agree with you  
20 that we're not here to get a blow-by-blow of how the divers  
21 went into the cave and extracted the children.

22 MR. SPIRO: So following the Court's guidance  
23 that's why I was positing the idea that one of the two I  
24 could see for context. To put forth both of them, it's  
25 cumulative, it's bolstering, it's misleading and they haven't



1       been deposed.

2               THE COURT:   What do you mean they haven't been  
3       deposed?   They've been revealed.

4               MR. SPIRO:   They were revealed.

5               THE COURT:   Why are you calling two witnesses?  
6       What is the point of Stanton?   I mean, I've heard his name.  
7       I know he was sort of the point person in the rescue.   What  
8       will he say that will diminish what Musk has said?

9               MR. WOOD:   May I address that?

10              THE COURT:   Yes.

11              MR. WOOD:   Mr. Stanton is going to -- both of these  
12       witnesses are going to -- both of these witnesses are going  
13       to be short.   Trying to prejudge my case is a waste of time  
14       for him because I have the right to put it on as I see fit as  
15       long as the Court allows it.   I intend for both of those  
16       witnesses to be relatively short.   I did not put the rescue  
17       into issue.

18              THE COURT:   What are they going to say?

19              MR. WOOD:   Mr. Stanton is gonna talk about his  
20       discussions with Mr. Musk.   He was not the leader of the  
21       group.   That he'll say his discussion with as Mr. Musk relies  
22       on, I think generally, without putting words in his mouth, I  
23       think he's generally going to say, I would describe him as  
24       saying he was placating Mr. Musk rather than interested in  
25       his tube, although, I'm not going to say he wasn't

1 interested.

2 THE COURT: I know, but here's the point. Now  
3 we're getting into Mr. Stanton's state of mind and  
4 Mr. Stanton's state of mind placating or otherwise has  
5 nothing to do with this case.

6 MR. WOOD: Mr. Musk tweeted about Rick Stanton as  
7 part of the tweets that are at issue in this case, the whole  
8 circumstances. He specifically made reference to Rick  
9 Stanton as it related to Vernon Unsworth as I recall, and  
10 that's why Rick Stanton will testify and be brief.

11 THE COURT: Is there any dispute that Musk and  
12 Stanton talked about the rescue?

13 MR. WOOD: No, but -- but Mr. Stanton and Mr. Musk  
14 do, I believe, disagree on what Mr. Stanton's role was and  
15 how it might have impacted whether he should have known  
16 Mr. Unsworth. It's a short witness.

17 THE COURT: So something that Stanton is going to  
18 say would be circumstantial evidence that Musk did know who  
19 Unsworth was at the time of the rescue?

20 MR. WOOD: Honestly, Judge, I apologize. I didn't  
21 follow that. I'm tired.

22 THE COURT: What I thought you said was that  
23 Stanton is going to say something that would allow the  
24 argument that Mr. Musk did know who Unsworth was at the time  
25 of the rescue.

1 MR. WOOD: Our summary of his testimony that we put  
2 into the record -- the defense put in. They were gonna call  
3 Mr. Stanton to talk about efforts by Mr. Musk, SpaceX, the  
4 Boring Company and Tesla to assist in the Tham Luang cave  
5 rescue including the development of a rescue vehicle --

6 THE COURT REPORTER: I'm sorry, Counsel. I know  
7 you're reading, but I can't go that fast.

8 MR. WOOD: And I apologize. I wouldn't expect you  
9 to. I'm sorry. I'll start over. Efforts by Mr. Musk --  
10 this is the defense view.

11 MR. SPIRO: I don't believe so.

12 MR. WOOD: And the relevant knowledge was efforts  
13 by Mr. Musk, SpaceX, the Boring Company and Tesla to assist  
14 in the Tham Luang cave rescue including the development of a  
15 rescue vehicle, the design and use of the rescue vehicle,  
16 plaintiff's role in the Tham Luang cave rescue. We're  
17 bringing Mr. Stanton to briefly touch on some of those  
18 issues. We're bringing Mr. Ellis solely because --

19 THE COURT: What issue are you referring to?

20 MR. WOOD: Mr. Unsworth's role in Tham Luang cave  
21 rescue.

22 THE COURT: I see. All right. What else is he  
23 gonna to say? Is that it?

24 MR. WOOD: He may touch on some of the  
25 communications to the extent Mr. Musk talks about it on

1 direct because Mr. Stanton is here from England. I've got to  
2 get him back.

3 THE COURT: Who is the other fellow, Ellis?

4 MR. WOOD: The other gentleman is Martin Ellis, and  
5 he's gonna testify in a limited fashion. I haven't decided  
6 yet which one will go first, but I'm not gonna duplicate  
7 their testimony on Mr. Unsworth's efforts. Mr. Ellis I know  
8 can testify very specifically about what his understanding  
9 was on how the three British cave divers got to Thailand as I  
10 described in my questioning of Mr. Musk. That it was  
11 required that Mr. Unsworth make the request because he's the  
12 only member of the authority that could authorize it to get  
13 them here. That's essentially it.

14 MR. SPIRO: Please, Your Honor.

15 THE COURT: Let me hear your position now.

16 MR. SPIRO: He just spelled out as to the main  
17 function of both witnesses as cumulative, irrelevant,  
18 bolstering testimony. He added one thing about each. The  
19 one thing he added about Stanton was as I understood it, that  
20 Stanton is going to say that while he sent those emails, he  
21 didn't really mean it or he was placating Musk. It's the  
22 effect on Musk's mind. So Stanton to come in --

23 THE COURT: I said his state of mind is not  
24 relevant.

25 MR. SPIRO: Stanton's state of mind.

1 THE COURT: Yes.

2 MR. SPIRO: And then as to Ellis, it's completely  
3 duplicative and what he's talking about is telling some  
4 hearsay story about how this all started, that he doesn't  
5 have first-hand knowledge of --

6 THE COURT: Ellis?

7 MR. SPIRO: Ellis. It's just duplicative.

8 THE COURT: He hears this story of how Unsworth  
9 contacted the divers and all that stuff.

10 MR. SPIRO: Correct. He wasn't on the phone. He  
11 wasn't listening in. It's all a story that they're gonna  
12 tell.

13 THE COURT: All right. I'll give you a ruling in  
14 the morning.

15 Thank you. See you at 9 o'clock.

16 (Proceedings were concluded at 5:27 p.m.)

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